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Members' Accounts: The Creation of a Parliamentary History, 1640–1645

by

Andrew Drummond

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment

of the requirements for the degree of Master of Arts

in History

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The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled *Members' Accounts: The Creation of a Parliamentary History, 1640-1645* submitted by Andrew Drummond in partial fulfillment of the requirements for the degree of Master of Arts in History.

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Abstract

To make successful historical claims provides considerable political power. Recent work in the historiography of science has provided strong evidence that to make a knowledge-claim has direct political effect, and historical claims are exactly analogous to scientific ones. During the English Civil War, combatants on all sides attempted to provide a coherent and acceptable interpretation of English history, especially of the law, the Church and Parliament. King Charles I's power was quickly overthrown because of Parliament's success in reinterpreting history. Through a systematic elimination of the institutions and personalities of the royal rule which preceded the Civil War, Parliament presented an interpretation of the English 'constitution' that was so successful that it forms the basis of the historiographical conceit of the 'Whig Interpretation,' which remains the tacit basis of the vast majority of the historiography of England.

Members' Accounts

Contents

Chapter I	The Order of Change	1
Chapter II	Peace	14
Chapter III	Dissolving Order	39
Chapter IV	War	73
Conclusion	Establishing an Order	92
Bibliography		99

Chapter I: The Order of Change

"Aboue all other bookes be conversante in histories for they will best instructe you in matters morrall, politique and millitarie by which and in which you must ripen and settle your judgment."

--Francis Bacon, *Letter of Advice to the Earl of Rutland*

To say that victors write history is to repeat a well-understood cliché, but nonetheless a true one, and the history of the Civil War in England is no exception. To control historical interpretation is more than it appears; it is to tame the power of the past itself, and thus to influence and justify the present. The historical actors of the early and mid-seventeenth century in England were well aware of the crucial power history held as a political tool, and historians of the time acted as polemicists and propagandists in equal measure for their causes, whatever they might be. Clearly, with such a radical departure from the English norm that a Civil War occasioned, let alone the abolition of the episcopal nature of the national church, the abolition of aristocratic representation in Parliament, and even the execution of the King, debate over matters of history was strident, personal (in many cases), and very dangerous. The consensus that had governed the English polity for almost a century had not only cracked under the strain, but had shattered almost completely. A new consensus had to be found.

With the publication of Clarendon's *History of the Rebellion and Civil Wars in England*[1] in 1704, the historiography of the turbulent middle years of the century settled

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[1] Edward Hyde, Earl of Clarendon, *History of the Rebellion and Civil Wars in England* (Oxford: at the Clarendon Press, 1888) I use the 1888 Clarendon Press edition because of its editorial status as the scholarly edition; earlier editions had many omissions and other changes because of the political circumstances surrounding their publication. For a description of the editorial problems of *History of the Rebellion* see R.C. Richardson, *The Debate on the English Revolution Revisited* (New York: Routledge, 1988) pp. 9-40. See also F. Smith Fussner, *The Historical Revolution: English Historical Writing and Thought, 1580-1640* (London: Routledge and Kegan Paul, 1962), Daniel R. Woolf, *The Idea of History in Early Stuart England: Erudition, Ideology, and 'The Light of Truth' from the Accession of James I to the Civil War* (Toronto: U of Toronto Press, 1990) and Royce Macgillivray, *Restoration Historians and the English Civil War* (The Hague: Martinus Nijhoff, 1974) for three good illustrations of the purposes of the past during the early- to middle-seventeenth century and for the context in which Clarendon wrote his history.

down. By that year, all the principals in the wars, the interregnal republican experiment, and the ultimately triumphant royal restoration were long dead, and the range of political discussion allowable had settled into a practical consensus. Debates over matters of both fact and interpretation continued, certainly, but these disputes were no longer over fundamental issues of the proper place of sovereignty or of the role of Parliaments in the body politic, but over details and emphases that mattered considerably more to the politics following the Glorious Revolution of 1688 and the matter of royal succession of the early eighteenth century than to the struggles of 1642 (when the Civil War started), of 1649 (when Charles I was executed and the Republic started), or even of 1660 (when Charles II ascended the throne). The new dominant tradition in historical interpretation mirrored the priorities of the political élites of the Restoration in asserting their new rule.

Even so, the new consensus was fundamentally different from the *status quo ante bellum*. The calling of the Long Parliament in 1640 occasioned considerable change in the nature of the political nation. Charles had renovated the structure of politics during the previous decade, and had done so without Parliament, a period often called his 'Personal Rule.' In 1640, war finally forced a Parliament, and though no one seriously contemplated rebellion, many Parliament-men had serious grievances to settle with the Crown. During the first two years of that assembly, they enacted, with the King's assent, a series of major changes to the 'Constitution,'[2] including the dismantling of the measures of the 1630s, a Triennial Act to ensure the frequent recall of Parliament, and the removal of certain structures of Church government that offended many. These measures of royal appeasement, however, were not enough, and civil war ensued. Among the other (military) battles of the 1640s, a war of control of historical justification continued in Parliament, in the Church, and, indeed, throughout the

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[2] An uncomfortable and amorphous term, here used guiltily in its modern sense of the political makeup of the state. Since England did not (and does not) actually have a constitution, this term in a real sense has no meaning.

political nation. Ultimately, in many respects, the rebels succeeded in literally re-creating England's history, and altered the nature of politics, religion, and society. They created a tradition of interpretation that would never again allow a King the authority Charles I had exercised, even though their more radical re-inventions of England (republicanism, to name the most notable) failed. The new dominant tradition was, in essence, the so-called 'constitutional royalist' position, which granted to Parliament many significant powers previously understood to be exclusively or primarily the Crown's. The usual explanation of the frictions in political and religious life of the first half of the seventeenth century, therefore, is a highly partisan one, an expression of the interests of the victorious party.

For some reason, though, that interpretation has remained largely the same ever since, though the reasons for upholding that tradition have entirely disappeared. The resulting historiography has been fascinatingly 'Whiggish.' This overused term, in its 'original' sense, described how "it [was] astonishing to what an extent the historian has been Protestant, progressive, and whig."[3] Almost all histories of the early Stuart period are histories of the causes of the Civil War, an enormously significant development in the historiography of the period. Because an elision has taken place between the two distinct areas of study, almost all historians have looked at the first half of the seventeenth century in search of events, ideologies, or documents that foreshadow the coming troubles, thus achieving a brand of 'present-centred' history.[4] Historians of Stuart

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[3] Herbert Butterfield, *The Whig Interpretation of History* (New York: W.W. Norton, 1931) p. 3 The term 'Whiggish' has some real, though quite limited meaning. Originally meaning a form of interpretation of history that focused on the development of Parliamentary democracy and religious liberty, it has since consistently been used to describe any history written exclusively from the point of view of the present. In the case of English history, 'Whig historians' are those who see a march of progress and improvement from monarchy to parliamentary rule, from oligarchy to democracy, from Catholicism to Protestantism, from intolerance to toleration.

[4] A. Wilson and T.G. Ashplant, "Whig History and Present-Centred History" *Historical Journal* 31 (1988): pp. 1-16 and "Present-Centred History and the Problem of Historical Knowledge" *Historical Journal* 31 (1988): pp. 253-274. I have chosen to adopt Wilson and Ashplant's term of 'present-centred' for the bulk of this essay, though Butterfield's term 'Whig Interpretation' does apply here. An

Britain have consistently used categories of analysis that do not apply to the period under study. The typical narrative of the early Stuart period has been S.R. Gardiner's magnificent Whig epic *History of England from the Accession of James I to the Outbreak of the Civil War.*[5] Gardiner's canvas was alive with apocalyptic struggle between the proto-absolutist Stuart despots James and Charles (and their henchmen) and the defenders of religious advancement and parliamentary liberties. For Gardiner, the Civil War was the proper outcome for a nation concerned with proper parliamentary development. Gardiner, however, was following a common interpretation of seventeenth-century history, the one put forward by the successful party in the Civil Wars, and whether historians have agreed with Gardiner or not, they do not generally allow the possibility that the accounts they read are partisan shots in a historiographical war of the utmost importance to the actors themselves. Our standard narrative account is largely the same as that of the ultimate victors in the struggle for dominance in the middle of the seventeenth century. The victors were royalists who lived long enough to regain positions of power in the restored court of Charles II in 1660 and beyond. They, in turn, created an interpretation of their own history that justified their actions and their beliefs in the proper makeup of the English state. Indeed, Butterfield's description of 'Whig' history as Protestant, parliamentary, and progressive was dominant decades before the term 'Whig' gained any currency.

So successful at achieving hegemony was that historiographical trend that though scholarship has evolved and developed considerably, no historian has attempted a fundamental re-examination of the dominant tropes of the creation of historical consensus. This study does not attempt such a bold (and necessary) study. Rather, it will

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excellent article about the dominant methods of inquiry into seventeenth-century history remains G.R. Elton, "A High Road to Civil War" in *From the Renaissance to the Counter-Reformation: Essays in Honour of Garrett Mattingly* (New York: Random House, 1965) pp. 325-347.

[5] S.R. Gardiner, *History of England from the Accession of James I to the Outbreak of the Civil War 1603-1642* (London: Longmans, 1883-4) 10 volumes.

examine the breakdown of the common context of political and historical discourse that began in the late 1630s and early 1640s. At that time, the actions of King, Lords and Commons assembled in Parliament, and, later, the actions of leaders of opposing sides in a civil war, revealed numerous attempts to reassemble an interpretive tradition by which Englishmen could understand their political and religious structures; this amounted to no less than a re-formation of the history of English government, church, and law, all notable elements of 'nationality.'

To invent and maintain a tradition is a difficult feat, because it involves the active and continuing participation of large numbers of people; otherwise, it would not be a tradition, nor even a truly valid expression of *any* belief. Linda Colley has recently described a largely successful attempt to invent a new national tradition in her masterful, if incomplete study of the making of a 'British' nation during the eighteenth century out of its composite English, Scottish, and Welsh parts.[6] Colley's conclusion, though, is equally suggestive: even after centuries of 'Britishness,' the parts have never universally subscribed to their new tradition, for Britons "fear assuming a new identity in case it obliterates entirely the already insecure identity they currently possess."[7] What Eric Hobsbawm (and others) have eloquently described for ritual and symbol in *The Invention of Tradition* find expression in modes of social organization: "historians ... are engaged in this process [the invention of tradition] inasmuch as they contribute, consciously or unconsciously, to the creation, dismantling and restructuring of images of the past which belong not only to the world of specialist investigation but to the public sphere of man [*sic*] as a political being."[8]

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6 Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven: Yale UP, 1992) That Colley does not deal with the Irish as a component British entity is a significant though understandable omission.

7 *Ibid*, p.375.

8 Eric Hobsbawm, "Introduction: Inventing Traditions", in Hobsbawm and T. Ranger, eds., *The Invention of Tradition* (Cambridge: Cambridge UP, 1983) p. 13.

History in one sense *is* the recounting of 'images of the past,' and the relating (narrative or analytical) of historical events is a series of political choices by the historian. The methods of the history of science are useful for the understanding of the political power gained through control of history and historical claims. Clearly, history is an artefact, a social creation, a human thing. In a community of common interest, however, history can surpass its initial artefactual appearance and achieve the status of 'fact.' The importance of the factual nature of certain historical claims cannot be overestimated. Historians and sociologists of science have examined what a fact is to a scientist, and the same holds true for *any* system of knowledge:

> In the conventions of the intellectual world we now inhabit there is no item of knowledge so solid as a matter of fact. ... a discarded theory remains a theory; there are "good" theories and "bad" theories--theories currently regarded as true and theories that no one any longer believes to be true. However, when we reject a matter of fact, we take away its entitlement to the designation: it never was a matter of fact at all. ... Matters of fact reside in the absence of human agency in their coming to be.[9]

Yet despite the apparently unchanging nature of 'facts,' historians, philosophers and sociologists of science, as well as scientists themselves, have repeatedly demonstrated that fact-making is as social, as much a matter of 'human agency' as any other activity.[10] A fact, which appears to have eternal status, becomes that way only after a very complex development of social relations. Ludwik Fleck, in *Genesis and Development of a Scientific Fact*, described exactly the process by which 'thought collectives' modulate a scientific claim until it gains the (apparently) unassailable status of fact. He defines a scientific fact as "a thought-stylized conceptual relation which can be investigated from the point of

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[9] Steven Shapin and Simon Schaffer, *Leviathan and the Air-Pump: Hobbes, Boyle and the Experimental Life* (Princeton: Princeton UP, 1985) p. 23.

[10] See, for several examples of this, Shapin and Schaffer, *Leviathan and the Air-Pump.*, David Bloor, *Knowledge and Social Imagery* (Chicago: University of Chicago Press, 1991 (Second ed.)), and Bruno Latour, *Science in Action* (Cambridge, Mass: Harvard UP, 1987).

view of history and from that of psychology, both individual and collective, but which cannot be substantively reconstructed *in toto* simply from these points of view."[11]

Fact-makers (in cases cited so far, scientists) buttress their arguments through a variety of means. One is to carry any possible dispute beyond what Harry Collins describes as a 'core set' of interested actors. "'Distance lends enchantment': the more distant in social space or time is the locus of creation of knowledge the more certain it is taken to be. For scientific culture the mediating role of the core set, its laundering of 'illegitimate social interest', and its transubstantiation into methodological propriety, along with its privacy, explain the paradox of reification."[12] Collins describes the same process of 'enchantment,' or of the transformation of knowledge-claims to facts, with a useful image: putting a ship into a bottle. Once the ship is inside, it looks as though it was always there; clearly it was not, as knowledge (the ship) goes in and might eventually come out of the bottle (the truth).[13] Furthermore, Collins adds, changing knowledge *is* changing order.[14] Another way (for example) to secure compliance to a claim or set of claims is to make alliances; a community's assertion of a matter of fact is overwhelmingly stronger than a mere individual's. If few listen to one's claims, the artefactual (as opposed to the potentially factual) nature of the claims appears stronger; if no one at all listens, it is like a private language, which is not really a language at all. In Ludwig Wittgenstein's terms, in fact, no 'language-game' is possible without a community to share language in the first place.[15] A community of interested actors may 'blackbox' an idea or conception, and thus make its manufacture invisible and unassailable, and to question the fact inside

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[11] Ludwik Fleck, *Genesis and Development of a Scientific Fact*, trans. F. Bradley and T. Trenn (Chicago: University of Chicago Press, 1979) p. 83.

[12] Harry Collins, *Changing Order: Replication and Induction in Scientific Practice* (Chicago: University of Chicago Press, 1992) p.145.

[13] *Ibid.*, p. ix.

[14] *Ibid.* Emphasis added.

[15] Ludwig Wittgenstein, *Philosophical Investigations* trans. G.E.M. Anscombe (Oxford: Basil Blackwell, 1968) #269-#280, pp. 94e-97e *et passim.*

the box is to attack the reputations and beliefs of all those who take part in the maintenance of a 'black box.'[16] More simply: a fact is a fact because people assert and believe that it is, and to attack a fact is a difficult, though not impossible, task.

Making historical claims is very like making scientific ones. Historians (in a very broad sense[17]) make knowledge-claims all the time; if they did not, they would not be historians. Most do so in what might be called 'normal history,' like 'normal science' in a Kuhnian sense as described in *The Structure of Scientific Revolutions*, wherein the tasks presented are uncontentious 'puzzle-solving'[18]; that is, they make many unspoken assumptions, shared by their community, about the nature of the 'facts' that must be assumed before historical research can begin. This is not problematic, for without a framework of some kind, knowledge-claims would be utterly meaningless; the imposition of order makes knowledge possible. To question that order is to invite discord, but to question it successfully is to gain power. In science, to take the ship out of the bottle is to change the minds of a small, specialized community, a difficult task in itself. To do the same in history is to achieve an enormous measure of political power, because the unspoken assumptions with which historians work ultimately underlie the order of the state and of society, and a considerably larger number of people hold a stake in macro-political and macro-social order than in the smaller communities of scientists. Even so, the parallel between the situation of a scientist in his network and that of a historian (or, more probably, the politician for whom s/he made a given claim) is an exact one; a knowledge-claim in one 'field' is like one in any other, and the strategies used to secure compliance to it and its accompanying system of knowledge or ideology are exactly the same.

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16 Latour, p. 2 *et passim*.

17 That is to say, anyone making plausible claims about the past.

18 Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962) pp. 35-42.

In many social systems, conventions or traditions in use become 'natural,' therefore implying that other, alternative conventions are 'unnatural.'[19] As certain ideas become 'naturalized,' so to speak, they link with other ideas of what is rational in what Collins has called 'multiple entrenchment.'[20] He uses the example of the colour green and the mineral emerald: just as we define emeralds in part by their colour green, we may define green as the colour of emeralds. Both concepts become interrelated, and any attempt to overturn multiple entrenchment would require overturning a whole network of interrelated usages, perceptions, and social relations.[21] Since change to dominant tropes of understanding happens only through agreement and consent of the broader community, and whereas the claim to precedent and historical justification is a powerful element in the gaining of consent, historical reinterpretation is a change in knowledge, and, therefore, according to Collins, a change in order. To reconstruct history successfully is to make a change in power relations. If history is used openly as a political tool, new facts must be constructed, eliminating previously held facts, wiping them out, or at least relegating them to insignificance or re-organizing the relations between them.

In the case of the victors in the English Civil War, this meant exiling many Royalists (including Hyde and the Prince of Wales) and executing others of even greater power, such as Archbishop Laud and King Charles. By eliminating or scattering the royalist community of interest, the parliamentarians succeeded (at least temporarily) in depriving royalist language of much of its power, since, as Wittgenstein showed, if a language is not common to others besides its user, it is not even a language. Later on, the ascendant royalists under Charles II succeeded largely in eliminating the rebellious language and achieving their own hegemony of matters of historical fact, though

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[19] See, for example, David Bloor's contrast between 'Western' logic and 'Azande' logic in *Knowledge and Social Imagery*, pp. 138-46. A westerner, wedded to western systems, would view Azande belief as irrational, just as an Azande would be unable to detect rationality in western logic.

[20] Collins, p.17.

[21] *Ibid.*, pp. 17, 131-132, 173 on 'Hesse-nets' and multiple entrenchment of concepts in a network.

Restoration multiple-entrenched ideas of sovereignty were drastically different from what had come before the wars, despite outward signs of similarity between the two régimes. The overturning of an interpretation of society, and with it the reversal of 'taken-for-grantedness' of tradition was therefore a remarkable achievement. In seventeenth-century England, mutually entrenched ideas included monarchy, prerogative, episcopacy, carefully ordered social hierarchy, and the rule of law. Rebellion was absolutely unjustifiable; to rebel was not only to commit the secular crime of treason, but also to commit the mortal sin of pride, of attempting to achieve a station beyond one's own. The English political nation sustained this structure of entrenched beliefs through a variety of means. Keith Wrightson has a concise elaboration of the importance of the maintenance of order through hierarchy, for example:

> Massive and very visible distinctions of wealth and living standards impressed themselves on the casual observer who travelled the countryside or walked the streets of the towns. Hierarchical distinctions of status were reflected in styles of address. Rank and power were recognized in dress, in conventions of comportment which governed face-to-face contacts between superiors and inferiors, in the order in which seats were taken in church, in the arrangement of places at table and in the ordering of public processions. Order, degree, rank and hierarchy seemed self-evident, even natural.[22]

The 'naturalness' of hierarchy was further reinforced through the church services themselves. The 'Homily on Obedience' of 1547, written by the central government, was a common reminder of the importance of the maintenance of order and obedience: "Where there is no right order there reigneth all abuse, carnal liberty, enormity, sin, and babylonical confusion. Take aways kings, princes, rulers, magistrates, judges, and such states of God's order, no man shall ride or go by the highway unrobbed, no man shall sleep in his own house or bed unkilled, no man shall keep his wife, children and possessions in quietness; all things shall be common and there must needs follow all

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22 Keith Wrightson, *English Society 1580-1680* (New Brunswick, NJ: Rutgers UP, 1982) p. 17.

mischief and utter destruction."[23] Even popular plays buttressed order: Ulysses, in Shakespeare's *Troilus and Cressida*, echoes the 1547 homily in its loathing of disobedience: "Take but degree away, untune that string, and hark, what discord follows" was ultimately an accurate assessment of the entrenched place of hierarchy in the English polity.[24] Charles I's father James I of England (and VI of Scotland) explicitly linked what all understood implicitly from the sixteenth century when he declared simply "No bishop, no king" to respond to 'puritan' desires to abolish episcopacy: order in state matched order in church. Indeed, they were the same, since the Church became an arm of government after the English Reformation of the previous century.

Yet by 1642, parliament-men were busily inventing new traditions justifying rebellion, and by 1648 some argued even for the establishment of a republic; still others demanded the 'levelling' of property, a position that surely would have brought upon it harsh legal treatment. The primate of the Church was long dead, his programme of reform already stopped in its tracks. The House of Lords, a constituent element of Parliament, disappeared from the political landscape. The army, in a bald exercise of power, demanded and got the execution of Charles, the embodiment of the state himself, for treason. The royal prerogative, previously understood to be a normal part of government, became a central element of royal tyranny. Rebels justified not only rebellion, but argued for its necessity if circumstances warranted. The question of how England went from 1640 (or so), when no one could claim that it was not a staunchly conservative, even reactionary society, to 1649, when nothing about English political society was the same, has long vexed generations of historians.

The parliament-men and their allies used the language of proper precedent, presenting their actions as defensible within a coherent historical framework. They

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[23] 'A Homily on Obedience' (1547), printed in G.R. Elton, ed., *The Tudor Constitution: Documents and Commentary* (Cambridge: Cambridge UP, 1960) p. 15.

[24] William Shakespeare, *Troilus and Cressida*, ed. K. Muir (Oxford: Clarendon, 1982) I, iii, 108-109.

invented a tradition of the workings of the English polity that allowed their actions. They remade Parliament, the monarchy, the Church, and the law as they debated and wrote histories of those institutions, and they claimed that they were following proper precedent. In effect, they had no choice; for early seventeenth-century gentlemen, to do so was quintessentially important. 'Innovation' was a feared and despised thing in 1640, and appeals to tradition and ancient practice were therefore very common.[25] For the reinvention of Parliament, MPs looked back with fond memory to the days of yore, both in previous reigns (such as that of Queen Elizabeth) and into the mists of the Anglo-Saxon past. For the monarchy, they found new 'old' reasons for the ability of 'the people' to depose kings if they failed to work for the good. For precedent in the Church, Parliamentarians appealed to the nature of the primitive church, combined with a fear of the hated 'innovations' of the Roman Church, as well as to the way they understood the Church of England to be in its essence. For the law, statute changes would do, and the stunning statutory (and declaratory) matter passed by Parliamentary bodies during the 1640s contained their own assertions of precedent (as we shall see). For many of these appeals to the past the 'Ancient Constitution' of England proved very useful. The Ancient Constitution developed from 'time immemorial' and was inherently rational, and mostly unknown.[26] It was expressed through the Common Law, a legal system unique to England.

Through the laws, pamphlets, propaganda, and battles of the 1640s, a group of Englishmen consciously sought to make historical claims about their own past into facts, a much more solid mode of knowledge-claim. If they could fortify their claims, the route to power would be much simpler; no longer outlaws (in the real sense of that word), they would be bringers of justice, purveyors of God's word, representatives of true constituted

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[25] For the generally conservative nature of Stuart England, see Wrightson, *English Society 1580-1680*, *passim*.

[26] See Chapter 4, below, for a fuller analysis of this point.

authority, and their enemies would therefore be retrograde, illegal, sinful. Since there is no middle ground in the status of fact, a choice between competing claims for sovereignty and moral and political rectitude would necessarily be a complete one, if it were public. It was possible to see the past (and therefore the present) in more than one shade, and accounts available splintered apparently endlessly over the 1640s. For a time, it looked as though the radical Parliamentarian code might dominate. How that near-domination came about is the subject of this essay. It was pointedly not the outcome of years of opposition to Stuart rule, or the inevitable or even likely conclusion to a tyrannical reign.

Since many of the most notable Parliamentarian claims discussed the reign of the man they were refashioning as a tyrant, a review of the 15-odd years of his reign is first necessary, along with an assessment of the workings of church and state, and of the activities of those who opposed the royal régime. Following that, an account of the efforts of MPs to remake their past up to the outbreak of the Civil War, including a careful analysis of the Grand Remonstrance of November 1641, will reveal the gradual disintegration of the common context of political discourse. With war, of course, the total fragmentation of the understanding of the English polity took place, and the changes in the Church, the organs of state, and the senior governors of England accompanied retroactive re-assertions of the facts of the 1630s and earlier. The combatants in the war had to re-make history, and they did, notably of the 'law,' the Church of England, and of their own body, the Parliament. Finally, fifteen years after the total breakdown of political understanding, the shards of the broken tradition had to be put back together in a way to suit the new order of royalist victors.

Chapter II: Peace

"And then, they say, no spirit dare stir abroad,
The nights are wholesome, then no planets strike,
No fairy takes, nor witch hath power to charm
So hallow'd and gracious is that time."
--William Shakespeare, *Hamlet*

In 1625, a young Charles Stuart succeeded his late father James as King of England, of Scotland, and of Ireland. England was at war with the two most powerful European nations: France and Spain. A continuing economic crisis gripped England, harvests were inadequate throughout the 1620s, and the Crown had been running high deficits for decades. Administration of government, always a ramshackle affair, had almost collapsed under the overwhelming burdens placed on it by war. The national Church was impoverished and incapable of providing adequate livings even to its own priests, quite apart from discharging its responsibilities for 'social welfare' as provided by the poor laws; doctrine remained a contentious issue. At the head of the country was a shy, reserved prince who depended upon his father's favourite, the Duke of Buckingham, for advice and friendship. By 1640, however, Charles and his ministers had built an activist regime that attacked, simultaneously and vigorously (though not necessarily successfully), all the problems that had beset the government in 1625 and for decades previously. Since many of the claims made by the Parliament-men in the Short and Long Parliaments concerned the first 15-odd years of Charles' reign, an examination of those years is warranted, both during the early, 'Parliamentary' years and during the 1630s, the decade of 'Personal' government.

The most obvious feature of the political and social landscape of 1625 was that England was, for the first time in decades, preparing for war; this war quickly expanded to be against both France and Spain simultaneously; and the continental situation was unforgiving and brutal, since the Thirty Years' War had, in effect, militarized the

continent. These wars, demanded by an alliance of Parliament and Charles (while still Prince of Wales), proved (as wars do) to be extremely costly; indeed, the costs were so high that Parliament, having demanded war, refused to pay any adequate amount of money needed for its conduct. In the 1625 Parliament, the first of Charles' reign, the crown asked for considerable supply to continue preparation for, and to go to, war. Members, weary of half a decade of economic depression, balked at the already lowered demand of four or more subsidies (about £300,000), and in the end granted two, "the bare minimum necessary to prevent the King from abandoning the war, but not enough to make its effective prosecution possible. They thus ensured that they would get the worst of both worlds."[27] Furthermore, the House of Commons, in a series of confused procedural moves, refused the traditional lifetime grant of 'Tonnage and Poundage,' (theoretically for normal naval upkeep) in the hopes of making its collection and use more legally clear than in previous reigns (and possibly to enlarge it), and voted it for only one year. The Lords never passed the bill, meaning that Charles was left legally without necessary monies despite his Parliament's support in principle for the war.[28] The situation was the same throughout the decade, until England finally achieved peace: Parliament told the King to go to war, but expected war to be inexpensive and without social and financial disruption.

The aftermath of that predicament shaped the course of all of Charles' remaining Parliaments, even up to 1642. Charles' favourite, the Duke of Buckingham, controlled the court's patronage network, and alienated many. He was also Lord High Admiral, a station which made him responsible for much of the conduct of the war. Disastrous campaigns at Cadiz in 1625, and the Ile de Rhé and La Rochelle later, upset his rivals at

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[27] Conrad Russell, *Parliaments and English Politics, 1621-1629* (Oxford: Clarendon Press, 1979) p. 226.

[28] This episode is told in some detail because the failure to grant Tonnage and Poundage later became an issue. The single best account of the 1625 Parliament, as well as the others from that decade is *Ibid.*, pp. 204-259.

court, shut out from key positions of influence. Meanwhile, the crown, bereft of Parliamentary grants, adopted the extremely unpopular tactics of forced loans (i.e. a 'prerogative' tax levied without Parliamentary consent) and billeting of troops in civilian households. The people most disrupted by these measures were, in large part, either the Parliament-men themselves or their friends, clients and patrons. The billeting, in turn, provoked social disruption in the south and southwest of England, to which the Privy Council reacted by declaring martial law. A spectacular legal case arose as a result: the so-called 'Five Knights' Case' of 1628, in which the five refused to pay the loan, and were imprisoned without *habeas corpus* "by the King's special command." The parliamentary response was loud and angry, and much of the 1628 Parliament, against the King's wishes, concerned itself with the illegality of forced loans, the denial of *habeas corpus* in the Five Knights' Case, the anger over billeting, and the imposition of martial law, which coalesced into the 'Petition of Right.'

Later that year, Buckingham died from an assassin's bullet, to the great sorrow of Charles and to the great delight of almost everyone else. For the first time in over a decade, the taps of royal patronage might be open again, and allow courtiers long excluded into the lucrative light of royal favour. England was still at war, though, and more supply was needed. The last Parliament of the decade, as with most of the others, refused to grant money in any significant way. After an unproductive session, with many matters of religion under discussion, Charles finally ordered the dissolution of Parliament. Yet at the end of a long parliamentary decade, the energies of bitterness still possessed many. The Speaker of the House, Sir John Finch, was forcibly held down in his chair at the end of the session, while the House attacked a bishop and the Lord Treasurer (the latter for his agency in a Catholic conspiracy), declared that 'Arminianism' (see below), collectors and (stunningly) payers of Tonnage and Poundage were capital enemies of King and kingdom. In doing so, the Parliament, long directionless and parochially self-interested, self-destructed entirely in an embarrassing and futile gesture.

Charles, as a result, resolved to make peace, to govern with more efficiency and, finally, to rule without the troublesome assemblies that continually privileged local concerns and parochial matters over imminent national necessity.

Politics and governmental finance reflect only one part of the importance of the 1620s as determining events of the Personal Rule, the later Parliaments, and the Civil War. Religion, too, remained a central and constant focus of everyone in the political nation. This is not surprising; religion was a political issue central to the proper functioning of the state. If one accepted that God had a particular plan, and that meant staying away from the forces of evil represented by non-English churches (most notably the Roman Catholic), then toleration of alternative visions of religion was quite literally dangerous, not just to spiritual health but to the health of the nation. Sinfulness in the nation meant disaster and upheaval. Religious intolerance, therefore, was an indispensable tool of a stable political state. Furthermore, the Church was an arm of the crown's governmental structure: the Archbishop of Canterbury was *de facto* a member of the Privy Council, and he sat, as did all the bishops, in the House of Lords. Weekly homilies, such as the Homily on Obedience (cited above) were essentially governmental directives. Poor relief centred upon the parish as the smallest administrative unit, and local churches carried through policy (at least in theory). Ecclesiastical courts, though much weaker than before the Reformation, continued to exist to try crimes like adultery and for crimes relating to the Church. Church and doctrine, as a result, were vital social and political concerns, and any idea of church/state separation is an anachronistic category error.

Since the Elizabethan religious settlement, the Church of England traveled between two distinct paths. Elizabeth had wanted a sort of 'English Catholic' church, which maintained Roman administrative structures like episcopacy and its resulting hierarchy, though remained separate from the Papacy. In the meantime, it eschewed the more radical Protestantism of the continent. James, by and large, followed a form of

'High Church Calvinism' that was broadly based and broadly tolerant of varying forms of worship.[29] Outward adherence to legislated doctrine was required, but local variances and traditions were common. Unfortunately, almost a century of a public and governmental view of the church as a great holder of wealth had taken its toll: the Church earned less from land, since its possessions reverted to the crown; it had many of its material possessions destroyed or stolen, a result of anti-Catholic iconoclasm, which identified ceremony and church wealth as ostentatious idolatry; even the lead used to seal the roofs of individual churches was often stolen, resulting in a general state of disrepair. Furthermore, tithes and other sources of church revenue dropped off drastically (felt even more in a long century of inflation), leading to an inability to pay parish priests.[30] The effects of the deprivation of the church meant that pluralism (the holding of more than one parish) and absenteeism were common. Furthermore, some landowners viewed appointments as their property: the Church and Crown, in those cases, was outside the appointment and administrative process altogether. In these instances, central control slipped away altogether. James' 'High Calvinism' allowed the continuation of this process. Charles, on the other hand, followed what H.R. Trevor-Roper has called an alternative strand of contemporary Protestantism, and what to many so-called 'church puritans' represented a step back towards Catholicism: Arminianism.[31] Unlike Calvinism, Arminianism disavowed predestination, and with it, the profoundly held

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[29] This point has been best explained by Nicholas Tyacke in his *Anticalvinists* (Oxford: Clarendon, 1987), and "Puritanism, Arminianism, and Counter-Revolution", in Conrad Russell, ed., *The Origins of the English Civil War* (London: Macmillan, 1973) pp. 119-143. See also Russell, *Fall of the British Monarchies* (Oxford: Clarendon, 1991), especially pp. 27-70, on the British dimension of religious debate.

[30] For a better and much more complete description of the depth of the spoliation of the Church, see Christopher Hill, *The Economic Problems of the Church* (Oxford: Clarendon Press, 1956) pp. 11-35 ("The Plunder of the Church") *et passim*. On revenues to the Church, see pp. 77-198.

[31] H.R. Trevor-Roper has argued that Arminianism was the Caroline culmination of a normal and persistent element of the English Church and has sought to downplay the split between Calvinist and Arminian in the first half of the seventeenth century. See "Laudianism and Political Power" in his *Catholics, Anglicans and Puritans* (Chicago: University of Chicago Press, 1988) pp. 40-119.

beliefs of many in the political nation. While in the 1620s this was not a major issue, some parliamentarians were clearly suspicious even then.[32] Nonetheless, Charles' clear preference was for a ceremonial brand of non-predestinarian Protestantism; to many, it looked like Catholicism. It was to be a central element of the 1630s campaign of government retrenchment, and a significant grievance in the Long Parliament.

By the fifth year of Charles' reign, then, he had resolved to make his government efficient, self-sufficient, orderly, and capable of upholding its interests. The 'Personal Rule' of the 1630s represented a multi-pronged attack upon the continual decay of financial stability, of the government's ability to enforce its will both centrally and locally, and of the Church's ability to set doctrine and to dictate policy. These measures (as we shall see) aroused considerable opposition; however, it was emphatically not 'constitutionally' based or the basis for Gardiner's identifiable 'Opposition'[33] that consistently espoused the importance of Parliamentary liberties and therefore represented a central feature of the Whig conceit. Earlier attempts at reform had tended to focus upon only one aspect of royal government: to take two examples, governmental revenue was the central issue of Robert Cecil's Great Contract of 1610, and the running of the royal household became the focus of Lionel Cranfield's later reforms in 1622.[34] Charles' reform projects, on the other hand, dwarfed those two measures in scale and boldness, and continued into the ecclesiastical realm. The 1630s term used by two of Charles' most important ministers (William Laud and Thomas Wentworth) was suggestive of the completeness of the reform attempt: 'Thorough' became a watchword for efficient, though disliked, governmental operations. The necessity of governmental reform was

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[32] Russell, *Parliaments and English Politics*, pp. 29-32.

[33] Gardiner, *History of England*, uniformly assumed the existence of a large and vocal body of opposition to the crown throughout the Stuart period. They were generally 'Puritan' in religion, 'Parliamentary' in outlook, and concerned selflessly for universally understood concepts of 'liberty.'

[34] These events have been well described elsewhere: see Derek Hirst, *Authority and Conflict: England 1603-1658* (London: Edward Arnold, 1986) pp. 96-136, for one example.

unquestioned: France, for example, had been developing for decades an official structure whose sheer size and power made England's seem puny and irrelevant, compounded by the entrenched localism of policy implementation and dated rating assessments that did not account for inflation. Charles' activism had to begin in his own Household, since a significant proportion of the annual budget paid for those expenses.

The Household was not merely Charles' home. It housed the Court; government centred upon the person of the King and his household. Further, the social life of the political nation was bound up within court culture; Charles himself accentuated that status by his predilection for elaborate ceremony and highly ordered life. Unlike any other household in the kingdom, the royal court had to serve as seat of government, home of the great officeholders of the land and their clients, guests at court (such as foreign emissaries, for example), and a large staff dedicated to specific administrative tasks. Offices within the court helped to guarantee (or restrict) access to the King or to his advisors. Thus, because of the complexity of the household, and because it was in itself what might be called a 'ministry' in later parlance, it had to provide food for the many courtiers, provide physical and social space for those gentlemen and nobles at court, pay its many officeholders, and clothe the King and his family. That 40% of Charles' peacetime revenues went to pay for the household illustrates the importance of the household as a potential source of economic reform.[35] The reality of Household politics, though, limited the extent to which economies could be effected. At court, money held limited value as currency; patronage was the web that held the system together. Lowly paid officeholders and hangers-on at court would, quite literally, steal food and property from the crown and consider that theft part of their rights. Furthermore, a financially conscious ruler had little leeway to change the system of court

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[35] Gerald Aylmer, *The King's Servants: The Civil Service of Charles I* (London: Routledge and Kegan Paul, 1974) p. 27. His description of the workings of the actual machinery of central government remains unmatched and authoritative.

culture: in a patronage-based system of rule, a king not only had to be seen the font of plenty, but actually to become his image. Charles attempted reform of his household in two ways: first, he set his household into a new hierarchy, access limited by office and by moral and civil worth; secondly, he attempted to save money by applying much stricter accounting methods. As early as 1625, he had made his priorities for order and frugality at the household clear: "Whereas, out of our own observance in the late reign of our most dear and royal father, we saw much disorder in and about his household by reason of the many idle persons and other unnecessary attendants following the same; which evil, we, finding to bring much dishonour to our house, have resolved the reformation thereof."[36] At the outset of Charles' reign in 1625, perhaps hundreds of employees held office 'below stairs' (those responsible for the actual supply and upkeep of the court's physical plant and social spheres) at the crown's expense. To redeem the situation, Charles declared that the number of servants to officials was to be limited (they did dine at the King's expense). During the later 1620s and early 1630s, the amount spent on food alone declined from approximately £60,000 *per annum* to about £45,000. Corruption remained common, though, and despite the imposition of new accounting methods in 1628, the only obstacles to theft, sale of royal property to servants at below-market rate, and slack accounting were occasional checks and the honesty of individual members of the household.[37] Economies met with some success, but the laxity of enforcement and the necessities of governing in a patronage-based system ensured that little reform could occur.

Coupled with the financial reorganization of the government and its various departments, royal activism reached into administrative reform both in the centre and the localities where royal will actually had to be implemented. After the death of

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[36] J.F. Larkin, ed., *Stuart Royal Proclamations Volume II: The Proclamations of King Charles I, 1625-1646* (Oxford: Oxford UP, 1983) no. 14, p. 37 (26 May 1625).

[37] An excellent recent description of the economy drive of Charles' household is K. Sharpe, *The Personal Rule of Charles I* (New Haven: Yale UP, 1993) pp. 235-240.

Buckingham in 1628, Charles came into his own as a king, a result of the unhappy loss of his friend. The financial reform of the household went hand in hand with a strengthening of ritual. Charles himself deplored disorder, as his comment regarding the state of his father's court displayed. His own daily schedule indicated the orderliness with which he ordered his court: regular, predictable, energetic, and informed about his surroundings. Paintings commissioned, most especially by the master Van Dyck, invariably (with one exception) depicted members at court whose purpose, power and determination are readily apparent. Disorder, in Charles view, went hand in hand with unbridled passions in the body politic.[38] Similarly, the order and routine of the revitalised Privy Council upon the death of Buckingham reflected the order and efficiency with which Charles expected his ministers to act. G.R. Elton has argued that a small 'active' council allowed for the effective handling of administrative matters,[39] and the creation of effective standing committees aided in the effectiveness of Council work. Furthermore, the regular scheduling of meetings, both of committees and of the Council, symbolised the intended order of the decade without Parliaments. Court culture centred upon order and hierarchy, and was to be the model of the state.

The court personalities of the 1630s had the same aims: the authors of the financial measures of the decade tended to be energetic, loyal, clever, and efficient. Although court intrigue remained a constant of politics, the lack of a favourite meant that factions tended not to submerge each other. The major court conflict of the decade occurred between Richard Weston, the Earl of Portland, and Henry Rich, the Earl of

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[38] On this point see Sharpe, pp. 179-208, especially p. 190, for an excellent analysis of the political and symbolical significances of paintings and court amusements and their indications about Charles' personal preferences in both the court and the state as a whole. For a more general introduction to the topic of the politics of art in this period, see John Peacock, "The Politics of Portraiture" in K. Sharpe and Peter Lake, eds., *Culture and Politics in Early Stuart England* (London: Macmillan, 1994) pp. 199-228.

[39] G.R. Elton, "Tudor Government: Points of Contact II: The Council" in *Studies in Tudor and Stuart Politics and Government* (London: Cambridge UP, 1974) pp. 21-38

Holland, but Charles ordered a stop to hostilities. Weston, as Lord Treasurer, continued the 1620s policies of his then-patron Lionel Cranfield, the reforming Treasurer of James' reign, and his central policy motivation was the adequate provision of royal finances. Portland's partner for many measures was the Attorney-General, William Noy, whose legal intellect provided a useful tool for the extension of royal power: Noy drafted the original Ship Money writ of 1634, supported by the Lord treasurer in the hope and intention of making it a yearly levy. Furthermore, it was they who ordered the printing of Selden's 1621 treatise *Mare Clausum* to aid in Ship Money's justification.[40] Noy and Weston died, in 1634 and 1635 respectively, but their energies increased annual government revenue by 20% *per annum* from 1629 to 1635. Other ministers of the 1630s had equally significant roles in the orderly prosecution of matters of state. William Laud, Archbishop of Canterbury from 1633, revitalised the Church and did so with similar energy; Thomas Wentworth, Laud's friend, spent much of the decade in Ireland stopping the drain of that Kingdom on Charles' finances. It was they who termed the active policies of the 1630s 'Thorough,' and demanded the same unswerving energy and loyalty to the King in their servants as they themselves held. Despite their apparent effectiveness as the King's servants, their 'historical' significance had yet to be assigned to them.

Other, less examined, members of the court were equally committed to the cause of order in the kingdom: John Finch, the Speaker of the House of Commons in 1629 who had suffered the indignity of being held down in his chair at the unhappy dissolution of that assembly, became Chief Justice, and later, Lord Keeper. In 1637, during the Ship Money case, his declaration for the crown was the most forceful and assigned the greatest degree of authority to royal decree, stipulating that even acts of Parliament could not limit the King's prerogative.[41] The two Secretaries of State, Coke

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[40] Alexander, pp. 209-210; John Selden, *Mare Clausum* (London: 1635).

[41] *State Trials*, III, pp. 1315-16.

and Windebank, processed an increasing volume of paper so well that (as one commentator has claimed) later in the decade they kept the government operating while the Peace of Berwick was under negotiation. Edward Nicholas, Secretary of the Navy, whose insistence on orderly procedure went so far that he kept papers authorising the destruction of sensitive papers[42], single-handedly administered the massive Ship Money levies and authorised their payments. An enormous proportion of the *State Papers* from 1634 throughout the rest of the decade are to and from him. This is not to say that everyone at court who advised the King was as thorough as the architects of 'Thorough,' or that hangers-on disappeared. They still existed; in fact, the King wanted the great nobles of the land to advise him, and many were on his newly active Privy Council, upon whom he relied constantly. The standards of conduct at court, however, were considerably formalised and improper comportment demanded punishment. The central personality of the Personal Rule, therefore, was Charles himself.

The expenses and culture of the court accounted for only one element of the financial retrenchment of the 'Personal Rule.' The inadequacies of parliamentary supply, combined with the unquestioned necessity of the King's ability to run the countries he ruled, meant that the creation of new sources of funding was imperative.[43] English legal culture, however, did not allow for new taxation without statutory consent, and to receive such consent would be a practical impossibility in Parliament even if the King had wanted to call it. His ministers, therefore, scoured centuries-old precedent in the search of potential sources of revenue. Modern commentators have tended to denigrate this effort by calling such laws and practices 'medieval,' thus making them seem somehow

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42 Cited in Russell, *Fall of the British Monarchies*, p. 457 as SP 16/488/50. I have been unable to obtain a copy of this document.

43 An excellent recent study of the workings of Tudor-Stuart financing is Michael J. Braddick, *The Nerves of State: Taxation and the Financing of the English State, 1558-1714* (Manchester: Manchester UP, 1996). It describes the decreasing importance of Parliamentary taxation up to the Civil War period because of its inadequacy to deal with the new administrative demands of the seventeenth-century state.

illegitimate. In early modern English law, however, the 'Ancient Constitution,' in all its wisdom, depended on the existence of precedent quite literally from 'time out of mind.'[44] There were several important measures to increase the Exchequer's accounts implemented in the 1630s with the full authority of kingly prerogative and legal precedent, though their inconvenience to many who had to pay undoubtedly upset many. The first was fines for encroachment on the Royal Forests. Edward III had passed the Charter of Royal Forests in 1327, which had described the boundaries of the forests and outlined penalties for transgressing them. Under forest law, "it was an offense to kill deer or keep dogs, keep guns, hunt foxes, to fence, destroy bushes, fell wood, pasture cattle, build or in any way encroach upon it."[45] Over the centuries, the expansion of arable land and the deforestation of England had proceeded either unenforced or haphazardly so. In 1634, however, new enforcement of forest law meant that hundreds of thousands of pounds suddenly became due to the crown; two of the most heavily indebted were the Earls of Westmoreland and Salisbury, who owed respectively £19,000 and £20,000.[46] Enforcement of Forest Law would provide a double benefit of increased revenue and a slowdown of deforestation. Trees in forests were necessary for shipbuilding and maintenance, and decreased supply meant increased cost. For a nation concerned with building up its navy, forests became doubly important. Because of a collection system that allowed rate-collectors to skim money for services, and because of the practical impossibility of forcing two notable and noble governors of the country to pay the fines without significant expense of political capital, however, the

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[44] The 'Ancient Constitution' was a central element of English legal mythology. See chapter 4, below, for a more complete explanation of its political uses.

[45] Sharpe, pp. 116-117.

[46] M. Alexander, *Charles I's Lord Treasurer: Sir Richard Weston, Earl of Portland* (London: Macmillan, 1975) p. 196; Esther S. Cope, *Politics without Parliaments, 1629-1640* (London: Allen & Unwin, 1987) pp.137-140.

Exchequer added only about £20,000 to its accounts as a result of the enforcement of the antiquated forest laws.

A more successful, though equally disliked, measure to expand the King's accounts came from another old tradition that underwent a revival in the 1630s: fees for presentment of knighthood. As liege lord to all knights of the kingdom, Charles and his predecessors had the right to call all those eligible for knighthood to present themselves to him upon his coronation and to pay a one-time fee. The law, unadjusted since the fifteenth century, declared that everyone whose annual worth was £40 or more was potentially eligible; over a century of inflation, possibly totaling 400%[47] had meant that a £40 freehold was trifling compared to its status under the first Tudor king; however, it was undoubtedly legal for Charles to expect payments. The long inflation of the sixteenth century finally profited the crown, rather than ratepayers; the reliance on Tudor rates had consistently meant underassessment in real terms. By 1635, over 10,000 landowners had paid in total over £173,000, the equivalent of over three parliamentary subsidies. Although a useful source of money to the crown, it was not repeatable until a new King would come to the throne. Nonetheless, fines for knighthood represented a major source of money to the crown.[48] Once again, the King had not sought to innovate the legal structure of his realm, but to use the existing structure to his advantage and to the improvement of his accounts. Even so, it probably upset many who did not even know they were eligible for the fine, since James had chosen never to levy it, and Elizabeth's coronation was now beyond living memory. To those who had to pay an unheard-of levy whose applicability to them seemed ludicrous, the fines no doubt seemed an innovative scheme for fundraising; in truth, it was only innovative in its antiquity.

Other measures for revenue-enhancement included the long-disliked practice of farming monopolies for projects relating to consumer goods. The crown would grant

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[47] This figure is from Sharpe, pp. 112-113.

[48] Derek Hirst, *Authority and Conflict*, p.174.

exclusive rights to a group of people for production of an item in return for a significant proportion of the revenues. It was a long-established method of governments to predict income and to plan accordingly: 'privatized' government made sense to an administration as small as the English one. The most (in)famous of these in the 1630s was the soap monopoly, whose project made soap considerably more expensive, and whose religious affiliation appeared to be Catholic; the association of a royal project with Roman Catholicism resulted in distrust and fear of creeping superstition, not helped by the religious policies propounded by the crown and episcopacy throughout the decade, whose importance is discussed below. 'Popish soap' upset consumers even though it paid £12,000 pounds to the crown; unfortunately, it promised originally to pay two and a half times that amount, and the hatred of 'Popery' meant that the political cost of the measure more than offset the financial benefits of it.[49] Furthermore, the crown's need for cash meant that if any remotely plausible project were presented to officials, they would likely grant it a monopoly patent. Clarendon later expressed the disgust felt by many of the political nation by this governmental tendency: "Projects of all kinds, many ridiculous, many scandalous, all very grievous, were set on foot; the envy and reproach of which came to the king, the profit to other men."[50] The various financial measures of the crown in the 1630s, though varied in success, had several commonalties: they were all legal and based in sound precedent; they were all outside memory, and therefore appeared innovative; and, most importantly, effective enforcement of the measures occurred without recourse to Parliament for redress of grievances. Opposition to policies and individual governmental measures, though, did not mean opposition to the regime. The England of the 1630s, alone in warring Europe, was peaceful and prosperous.

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[49] Gardiner, *History of England*, vol. viii, pp. 282-302. It would appear that consumers, even in 1635, wielded considerable power when organized.

[50] Clarendon, i, p. 85.

The context of war in Europe provided the basis for the most notable financial measure of the so-called 'Eleven Years' Tyranny.' An island nation dependent on foreign trade and stable markets, stability of the seas was paramount. The naval disasters of the 1620s had made England's navy, once the proud victor over the Spanish in the glory days of Elizabethan yore, a notable weak point in defense. France was arming using the might of its absolutist taxation regime, and the power of its navy dwarfed even the theoretical strength of that of the English. The mere fact that Charles' fleets were in some cases using the same sails as the ships of the 1588 Battle of the Armada is an excellent indication of the ramshackle and dilapidated state of both the navy's boats and its administrative structure. The average tonnage of the ships was less than half that of Richilieu's navy, and most ships were dreadfully understocked with water, beer, tack, sails, ordnance, or even flags.[51] Furthermore, piracy had reached epidemic proportions. England was a wealthy country, but lacked maritime security because of the uselessness of its fleet. Disruption of trade was common; fisheries lacked security; pirates came ashore, and occasionally raped or murdered; some pirates even kidnapped Englishmen for sale into slavery in Africa.[52] Foreign intrusion into English water made a mockery of English claims to sovereignty of the seas, and made the navy useless as a foreign policy tool: Dutch ships sailed as far up the Thames as Deptford and cast anchor under the King's own magazine.[53]

To build a navy is an expensive task, and to do so fell entirely and unquestionably within the royal prerogative powers. In 1634, for the first time in 6 years, the crown called for Ship Money, a form of revenue whose destination, unlike most monies, went

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[51] On the status of the navy see C.M. Andrews, *Ships, Money, and Politics: The Politics of Seafaring in the Reign of Charles I* (Cambridge: Cambridge UP, 1991) pp. 143-150. For the importance of the 'naval arms race' with France, the older, though still useful standard is M. Oppenheim, *History of the Administration of the English Navy 1509-1660* (London: Shoe String Press, 1961) pp. 143-150.

[52] The state papers of the 1630s reflect a government preoccupied with such problems and describe these cases. See the *Calendar of State Papers, Domestic Series*, 1634, *passim*.

[53] Sharpe, pp. 549-550.

to the Admiralty and not through Exchequer accounts. Coastal counties and urban corporations were required to provide either ships or money to build them, and enough to supply them; since new naval technology allowed for ships more than twice the size as previously, the crown requested money so it could build its own in its shipyards. In 1635, the levy extended into the rest of the country, on the plausible argument that the entire country shared in the benefits of a secure sea. Though Ship Money was meant as an emergency measure (most often in wartime), the King alone, under his prerogative, determined whether the country was in a state of emergency. Unlike other measures of the 1630s, the extension of Ship Money to inland counties was without precedent, but its innovative nature is questionable. Elizabeth had contemplated such a measure, though she died before carrying her plan through. The money raised was unheard-of without Parliamentary consent: in 1635 over £190,000 went to the Admiralty, and figures for subsequent years approximate that figure.[54] The sheer amount of money going annually to pay for a navy was the equivalent to five parliamentary subsidies, an object lesson of the futility of the 1620s grants to put an entire country on war footing *and* build an adequate navy *and* conduct successful campaigns. A test case of the Ship Money writs in 1637 decided in favour of the King. Collection of Ship Money stopped in the later 1630s not because of its unconstitutionality (in fact, its legality had been assured by the 1637 decision), but because of the pressures of war with Scotland and the resulting breakdown of the administrative structure of collection, which centred upon the sheriff.[55] More so than any other measure in the 1630s, Ship Money came to symbolise the Personal Rule. It was implemented with efficiency and vigour; its returns were real and important; it produced positive policy results; it depended on peace to

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[54] M.D. Gordon, "The Collection of Ship-Money in the Reign of Charles I" *Transactions of the Royal Historical Society*, Third Series, 3 (1910): pp. 141-162 provides the most complete compilation of monies collected by county.

[55] Andrew Drummond, "Ship Money Briefly Discoursed" (University of Alberta: Unpublished BA Honours thesis, 1993) pp. 39ff.

maintain its administrative efficiency; it appeared novel, though its legality was assured; perhaps most importantly, it upset many.

The forcefulness with which Charles and his ministers pushed through the financial measures of the 'Personal Rule' was partly a function of the long-term decline in royal credit. With the ratebooks hopelessly outdated by inflationary pressure, the late Tudor and early Stuart monarchs were forced to turn to creditors, the vast majority of which were concentrated in the City of London.[56] The forced loans of the 1620s created a lasting bitterness with large sectors of the financial elite, especially given that during the 1620s the Crown was able to coerce without difficulty the government of the City into making huge loans.[57] The long-term result of the instability of credit markets for the Crown meant that by 1640 the long-standing mutual distrust between Parliament-men and the large companies of the city had disappeared.[58] Despite the distrust creditors held for the Crown, other circumstances put off conflict. The boom of the 1630s, combined with an increasing stability in annual royal income brought about by massive increases in trade and customs revenue, and the lack of war, all meant that the Crown had, by 1637, a better debt-to-income level than at any point during the previous century. Indeed, for an institution so grossly indebted as the royal government, lowering the debt to one year's annual income was a remarkable achievement that had the effect of increasing the prosperity of both the creditors and, more generally, the international commodity markets.[59]

Financial concerns reflected only one element of governmental retrenchment. Charles and his ministers believed that new laws were largely unnecessary: his demands

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56 Robert Ashton, *The Crown and the Money Market 1603-1640* (Oxford: Clarendon, 1960), esp. pp. 154-184.

57 Valerie Pearl, *London and the Outbreak of the Puritan Revolution: City Government and National Politics, 1625-43* (Oxford: Oxford UP, 1961) pp.69-79.

58 Robert Ashton, *The City and the Court 1603-1643* (Cambridge: Cambridge UP, 1979) p. 200.

59 Sharpe, pp. 124-126.

to his early Parliaments are a clear indication of his lack of need to make new laws, and his administrative demands of the 1630s indicate his willingness to use laws already extant. His reforms to local governmental operation, like his financial policies, looked to energetic enforcement of existing statute and custom, and renewal of old orders. For example, Ship Money enforcement in the localities changed the duties of sheriffs substantially. No longer merely a status symbol, sheriffs now had to collect all royal levies (Ship Money being the most significant) and were liable for any shortfalls in collection. If a sheriff was dealing with a locality dominated by anti-levy gentry, the costs could be great. Similarly, the Privy Council reminded Justices of the Peace of the numerous statutes they had to enforce. Even by 1581, William Lambarde's *Eirenarchia* listed hundreds of statutes and descriptions of offences that fell under a JP's purview.[60] Assize circuits, long a point of contact (to use Elton's phrase) between centre and locality, were reinvigorated as circuits became regular events in the legal and administrative life of communities, happening three times a year and operating under special direction from Westminster.[61] Commissions of the Peace, once expected to last a day, came to last three or four instead, burdening their members with responsibility in a system that was increasingly overloaded. The dearth years of the 1620s, combined with the overload of an administrative structure burdened by the demands of war, had created a significant problem of social order; poverty, always endemic, had grown significantly, and vagrancy had increased. In as conservative society as England was, problems of social order were essential concerns of both court and country.[62] Enforcement of laws proved to be practically non-existent in wartime. The administrative needs of the later 1620s, therefore, dictated the peacetime revitalization of the problems made manifest by

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[60] William Lambarde, *Eirenarcha* (London: 1581).

[61] J.S. Cockburn, *A History of English Assizes 1558-1714* (Cambridge: Cambridge UP, 1972)

[62] K. Wrightson and J. Walter, "Dearth and the Social Order in Early Modern England." *Past and Present* no. 71 (1976): pp. 22-42.

pressures of war, and there were two principal methods of doing so: the new Book of Orders, and the new militia system.

During the plague and dearth years of the 1620s, the problem of what in a later century would be called 'social welfare' pressed itself onto the agenda of England's governors, since the Henrican and Elizabethan statutes had proven ineffective to counter the problems of dearth and the resulting social discord. As a result, the Council published a new Book of Orders of 1631, whose insistence on regular procedure and central oversight, modified the earlier system from one of total local control.[63] While local concerns might still dominate over orders from Westminster, the new Book seems at least on some occasions to have prevented plague and assisted those suffering from the effects of dearth.[64] Furthermore, prompt enforcement of regulation would forestall the riots that dearth brought about.[65] The urban problems were as pressing as the rural; in response, the early 1630s saw the Privy Council make "determined use of building regulations, and [Charles'] physician, Mayerne, was advocating a public-health commission for London."[66] Although never instituted, such plans indicated the commitment, at least in the central government, to poor relief and social stability; its success, while minimal by twentieth-century standards, was considerable during the 1630s; its lasting success was eventually denied by the local authorities dismayed by royal intrusions into local affairs.[67]

The militia, closely linked with poor relief in the system of local governance, was another matter of great concern, since it had failed so miserably to provide good soldiers for the wars of the 1620s. On 2 January 1629/30, the Council issued a warrant for the

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63 The Poor Law system's smallest administrative unit was the parish. See below, for the church's activities in 'social welfare' matters.

64 Paul Slack, *Poverty and Policy in Tudor and Stuart England* (New York: Longmans', 1988) p. 144.

65 *Ibid.*, p. 145; on riots associated with dearth, see Walter and Wrightson, "Dearth and the Social Order."

66 Slack, p. 141.

67 Sharpe, pp. 456-463.

ongoing survey of ordnance, and a weekly committee meeting kept up pressure on those responsible for local military and police organization.[68] As with the complaints over Ship Money, many thought that new impositions to pay for the improvements were unwarranted and grievous. The Lords-Lieutenant (invariably local notables), furthermore, viewed the new arrangement (correctly) as a threat to their independence in matters pertaining to defence. Since success depended closely upon the co-operation of local (and usually unpaid) authority, the effectiveness of changes to local enforcement mechanisms was generally a failure, even though it did ensure that some localites would be better prepared to fight the civil war.[69]

The efforts at what in a twentieth-century context would be called 'social reform' were not solely the responsibility of the local governors as represented by the secular authority of the Lords Lieutenant and Justices of the Peace. The Church remained throughout the early Stuart period the most important institution of government. Since attendance was mandatory, effective control of the Church meant that the crown had at its disposal the best possible forum for policy implementation and medium for messages between itself and localities. From 1633 onwards, it was run by one of the chief architects of 'Thorough.' Once again, order and efficiency of government was the watchword of the decade. Doctrinally, Charles' predilection for order had attracted him to what became known as 'Arminianism,' or later, 'Laudianism.' Ceremonial was a central element in the display of order, evidenced by the reform undertaken of the Household and Court customs. Unfortunately for Charles, ceremony in church service was taken to be a symbol of 'Popery.' For decades, iconoclasm had been a frequent element of Protestant reformation of the English Church: rails around altars had been destroyed, the tables moved. Destruction of symbols of ecclesiastical authority was common, on the grounds that such representations were idols, a symbol of Catholicism.

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[68] *Calendar of State Papers, Domestic 1629-31*, p. 465

[69] *Ibid.*, pp. 497-506.

To over-emphasise the hatred of the Roman Catholic Church is practically impossible: to many of the hotter sort of Protestants, Rome was Revelation's Babylon, and the Pope its whore. Some even believed that the Thirty Years' War was the Biblical conclusion, that the millennium was approaching, and that salvation depended upon Protestantism. The Church of England turned away from such opinions, and strove to become an ordered institution whose authority should guide people to heaven. Individual interpretation of the Bible, which had been widespread for decades, represented a loss of power to the Church, and it had made efforts to regain that power: the preface to the authorised (King James) version of the Bible, published in 1611, made it clear that ecclesiastical authority overrode other opinion, since proper transmission of the word of God depended on educated and informed intermediaries.[70]

Charles' and Laud's rejection of predestination as a doctrine, combined with the Archbishop's efforts to increase the Church's fiscal and social power during the 1630s, meant that many in the Calvinist majority began to feel threatened by innovation in the Church. The See of Durham, under the care of Bishop John Cosin, had gone perhaps further than any other diocese in England in its efforts to bring the 'beauty of holiness' to its parishioners.[71] Feoffees for impropriations, whereby individuals might buy the right to appoint livings, were a significant threat to central control, and Laud aimed to buy as many back to the Church and to eliminate the custom where possible.[72] He revived the practice of prosecuting under the authority of the ecclesiastical courts, which held vestigial, though largely disused, rights over cases involving morality. He solicited donations throughout the decade for the rebuilding of St. Paul's, the heart of the See of London, from whence he was elevated to the primacy. He wrote and imposed new

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70 "The Translators to the Reader" in *The King James Bible.*

71 For a full description of Cosin's efforts in Durham, see Trevor-Roper, "Laudianism and Political Power" pp. 61-108.

72 Hill, p. 264.

statutes for Oxford University, and endowed the library with an unparalleled array of books on Arabic studies. (His authority over the University, though a struggle to achieve, ensured that Oxford would continue to be the base of royalism throughout the wars and republican interregnum.)[73] Although Laudianism was an affront to the consensus of Calvinism, as Nicholas Tyacke has argued, it had a strong and valid intellectual basis within English Protestantism. Richard Hooker's *Of the Laws of Ecclesiastical Polity* elucidates a doctrine of church authority similar to Laud's[74], and the famed Lancelot Andrewes, one of the Bible's translators, was scarcely a Calvinist on matters of predestination. Laudianism's intellectual antecedents were, in fact, significant elements of the English Church for decades. Furthermore, it coincided exactly with the King's desire for order expressed through elaborate ceremony. Part of Laud's problems, though, had nothing to do with doctrine or administration, but rather with his low birth. His ruthlessness, too, was worrisome. For example, in the spectacular trial of Prynne, Bastwick, and Burton in 1637, he demanded the harshest penalties possible for the three, and in so doing created living martyrs.[75] Laud was no Calvinist, but he was no Catholic either; he was constantly suspicious of the Queen's influence at court and over the King, and worried about creeping Catholicism at court, which he invariably tried to restrict. His importance lies in the administrative energy with which he reinvigorated the English Church in his own image: careful, conscientious, and orderly.

The traditional account of the time period assumes the existence of a growing body of opposition to the crown in the decades preceding the 1640 Parliaments. That opposition was supposedly organised and ready to defend the liberties of Englishmen.

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[73] I am grateful to Michael Hawkins for discussion of this point. See his excellent analysis in "A Most Excellent Antidote: Thomas Willis, the *Diatribae duae*, and the Physician's Duty" (University of Alberta: Unpublished M.A. Thesis, 1995).

[74] A good recent edition is Richard Hooker, *Of the Laws of Ecclesiastical Polity*, eds. A.S. Mcgrade and Brian Vickers (New York: St. Martin's Press, 1975).

[75] *State Trials*, vol. iii, pp. 561-586.

Opposition did exist, but to individual measures, not to the crown or to the government. In 1640, rebellion was as inconceivable as it was in 1625 or 1603. Certainly, the large increase in the fiscal demands of the crown, year after year, were unpopular, as were the administrative demands placed upon the local governmental structures from Lords Lieutenant down to the constables. Courtiers accustomed to the luxury and relaxed nature of the royal household of James' reign disliked the highly ritualised and formal temperament of Charles'. New religious policy that seemed designed to take away local control of doctrine, and to enrich the Church, upset others, especially those who believed that Arminianism (in its English manifestation) represented a step towards Rome. Even so, the constitution was not at stake, and opposition to individual policies was hardly unusual or unprecedented, and it certainly did not mean that the monarchy was in a fight for its existence. Peace was the order of the decade: Clarendon, who had opposed many of the King's policies in the 1630s, later conceded that

> it was no wonder if England was generally thought secure, with the advantages of its own climate; the Court in great plenty...; the country rich, and which is more, fully enjoying the pleasure of its own wealth...; the Church flourishing with learned and extraordinary men, and (which other good times wanted) supplied with oil to feed those lamps; and the Protestant religion more advanced against the Church of Rome ... than it had been from the Reformation; trade increased to that degree, that we were the Exchange of Christendom (the revenue thereof to the Crown being almost double to what it had been in the best times,) and the bullion of all other kingdoms was brought to receive a stamp from the Mint of England; all foreign merchants looking upon nothing as their own but what they laid up in the warehouses of this kingdom; the royal navy, in number and equipage much above former times, very formidable at sea, and the reputation of the greatness and power of the King much more with foreign princes that any of his progenitors; for those rough courses which made him haply less loved at home made him more feared abroad, by how much the power of kingdoms is more reverenced than their justice by their neighbours ... Lastly, for a complement of all these blessings, they were enjoyed by and under the protection of a King of the most harmless disposition and the most exemplar piety, the greatest

> example of sobriety, chastity, and mercy, that any prince hath been endued with ...
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> But all these blessings could but enable, not compel us to be happy.[76]

Although Clarendon is clearly exaggerating reality to make a point about the unlawfulness of rebellion and its resulting discord, his analysis of England in the 1630s was essentially correct. England had stayed out of war, and benefited accordingly.

The King had control over the interpretation of political events; his control of government and of institutions remained unquestioned, even if 'policy' and personalities had caused many to dislike him. The result was an almost total absence of meaningful, organised resistance to the measures of the Personal Rule. Furthermore, it is in this context that we must analyse the drastic shift away from the King's interpretation that was to occur in the 1640s as an explanatory framework of the Civil War and Revolution. If Clarendon was correct, though, the Civil War would appear to have come out of nowhere, or out of a series of fiscal and religious complaints. There was, however, a significant group of peers and gentry who might well have been an 'Opposition' in a coherent sense. It centred around a tightly bound patron-client network manifested in the Providence Island Company, a 'Puritan' colonial venture.[77] The Earls of Bedford, Warwick, and Essex, Viscount Saye and Sele, John Pym, John Hampden, and Oliver St.John formed the nucleus of the group, and they were all radical (to some degree) in their religious temperament. In fact, Hampden was the defendant in the Ship Money case, St.John one of his counsel, and Saye's machinations were responsible for bringing the case to trial.[78] Each of those figures was to play a prominent role in the Parliament

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[76] Clarendon, i, pp. 95-96.

[77] A recent work has greatly illuminated the activities of the Providence Island Company: please see Karen Ordahl Kupperman, *Providence Island: The Other Puritan Colony* (Cambridge: Cambridge UP, 1993), *passim.*, especially appendices I-III, pp. 357-370.

[78] On the complicated politics surrounding Hampden's case coming to trial, see N.P. Bard, "The Ship Money Case and William Fiennes, Viscount Saye and Sele" *Bulletin of the Institute of Historical Research*, vol. 50 (1977) pp. 177-184.

whose existence they could not foretell. This group, the only identifiable 'opposition' of the 1630s, continued to be the 'opposition' in the Long Parliament. In many cases, their predecessors were 'Puritan' agitators in Elizabeth's reign. Their organisation offered the only significant differing vision of events in the 1630s, and only extreme conditions could allow them the opportunity to put forward their vision of the English body politic. Luckily for them, the troubles of the end of the decade provided the opportunity; war with Scotland, an Irish rebellion, and the calling of a Parliament would allow them to retell the history of Charles' reign (and, indeed, of earlier periods also) in a new way with different interests. Before that could happen, the King's consensus ruled, since, as King, Charles had the power to control interpretation both through the power of his office and his control of print media in his realm. That consensus held as long as the structures of the Personal Rule did not become overburdened with the additional duties wartime brought. By the spring of 1640, the burden had become too great for the Crown not to call a Parliament, and the opportunity presented itself only briefly; in November, however, the situation was to be much different.

Chapter III: Dissolving Order

"Before the great cure, which was expected from this Parliament, could go-on, it was necessary that some time should be spent in searching and declaring the wounds."
--Thomas May, *History of Parliament*

The calling of the Long Parliament in November 1640 afforded a new opportunity for non-court interests to express concern to the King and to effect changes favourable to them. After the institutional disaster of the Short Parliament of the previous spring, the new Parliament seemed to some the last opportunity to reach a new consensus between Charles and his governed. The spring session had failed largely because of a lack of agreement on adequate supply to replace the financial measures of the previous decade, but its failure meant the continuation of the Crown's inability to confront the invading Scottish armies effectively. With war, the order of the 'Personal Rule' collapsed, depending as it did upon the co-operation of increasingly overburdened local officials such as sheriffs and lords lieutenant and the efficiency of courtly administrators. As in the 1620s, though, war meant effective anarchy, since those responsible for (to take one example) the collection of ship money also had to deal with provisions in the Book of Orders for what in a later century would be known as 'social policy.' An unpaid system of local government depended on the ability to run the counties through their own leading inhabitants, who expected to be able to advance their own standing with their neighbours as a result of the work they did; in peace, officeholding brought gain, but in wartime, the crown saw local needs as subservient to the kingdom's.[79] War brought, almost inevitably, lower food production and resulted in disruptions in the entire economy. Then, as now, capital sought stability, and foreign monies could easily go elsewhere; with London reluctant to lend to the Crown as it had normally for decades,[80] Charles' needs for money grew dramatically.

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[79] Conrad Russell, *The Fall of the British Monarchies, 1637-1642* (Oxford: Clarendon, 1992) pp. 72-73
[80] Ashton, *Crown and the Money Market*, pp. 154-194

The Short Parliament, therefore, represented a confluence of conflicting interests: for Charles, Parliament meant the possibility of additional supply to deal with external invasion (from one of his other kingdoms). After all, war financing to date had been achieved through anticipation of his accounts and massive loans from Privy Councillors and other courtiers, a necessarily deleterious policy to the crown's financial health.[81] For the 'opposition,' led by Pym in the Commons and his patrons in the Lords, a Parliament meant the opportunity to reformulate royal policy by gaining offices and thereafter dismantling the burdensome financial measures and the troublesome religious rule of the 1630s. For many others, it was the first opportunity in over a decade to present local grievances in person at court and in an exclusively 'national' forum. After all, this was a traditional view of Parliament: the King would receive his supply, as small as that might turn out to be, in exchange for hearing about, and (parliamentarians hoped) remedying pressing local issues.[82] MPs arriving in Westminster, however, had built up a considerable list of grievances, including, most notably, the problem of extraparliamentary appropriation of funds. For Pym, Hampden, and the Providence Island network, however, grievances centred upon the Laudian religious settlement, and their interests sided closely with the Scottish armies': Laudian 'idolatry' was more than disagreeable; it represented a fundamental block to *the* proper religious custom, and early satisfaction of grievances might well mean that the 'hot Protestants' of the Providence Island 'opposition' would continue either to have no power at home or to leave altogether, a problem given the repeated Spanish attacks on their colonial venture.[83]

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81 *Calendar of State Papers, Domestic Series, 1638-9*, pp. 488ff; *1639, passim.*

82 Conrad Russell, "The Nature of a Parliament in Early Stuart England", in H. Tomlinson, ed., *Before the English Civil War* (London: Macmillan, 1983) pp. 123-150; G.R. Elton, "Tudor Government: Points of Contact: Parliament" in *Studies in Tudor and Stuart Politics and Government Volume III* (London: Cambridge UP, 1974) pp. 3-21.

83 Russell, *Fall*, pp. 98ff.; Kupperman, *Providence Island*, pp. 181-220, 320-356. A more general account of the problems faced by financial prospectors is Robert Brenner, *Merchants and Revolution:*

Thus, numerous and conflicting interests met in the Short Parliament, and for that reason the spring meeting was to take its name.

The Short Parliament saw the beginning of the breakdown of the common consensus of English affairs. Charles, in an attempt to gain supply, offered to give up ship money in exchange for twelve subsidies, though soon afterward, John Pym opposed the manoeuvre, putting forward for the first time a view of the past and present that retold recent history and present events in a fundamentally different framework: a conspiracy, possibly run from Rome, possibly by evil counsellors, was attempting to subvert the English Constitution by doing away with Parliament, installing Popery, and removing property rights. Ship money, in particular, was a central device by which the conspiracy would come to fruition: "It is true it [ship money] hath the countenance and coullor of a Judgm[en]t of the Lawe; ... I desire to prove it, And if any here shall endeavour to defend it, he must knowe that his reputacon and conscience lye at stake in the defence."[84] For the first time, a new interpretation of events and motives became widely known in the political nation, and Pym's actions and speeches in the Short Parliament began to fracture the common context of historical interpretation as defined by the King. It changed the fundamental nature and terms of the debate: from now on, rather than a discussion about the troubles with paying for Charles' measures, Parliament focused on the fundamental legality and the possible Catholic involvement in the breakdown of liberties. Whether Pym believed his statements or not was immaterial, since the rhetorical force already had the power, in Wittgenstein's sense, of changing the 'language-games' of political discourse. Indeed, as Pym implied, anyone who sought to defend the measures of the 'Personal Rule' were themselves possibly traitors to the

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Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653 (Princeton: Princeton UP, 1993), esp. pp. 635-734

[84] Esther S. Cope, ed., *Proceedings of the Short Parliament* (London: Camden Fourth Series, vol. xix, 1977) pp. 149-157. Another account of the Short Parliament is Judith Maltby, ed., *The Short Parliament (1640) Diary of Sir Thomas Aston* (London: Camden Fourth Series, vol. xxxv, 1988).

fundamental laws of England. With supply clearly not forthcoming, and with the debate going in directions unintended by the King and his counsellors, with the Parliament rapidly becoming addled, and with the pressing need to continue the war, Charles abandoned the Parliament only three weeks after he began it. Although some have argued that most MPs were willing to ignore Pym and to continue the Parliament in its intended form[85], the dissolution meant that the interpretive uniformity had splintered. Six months later, when from new circumstances ensued a new assembly, that uniformity had disappeared altogether.

In traditional historiography, a 'constitutional revolution' took place between the calling of the Long Parliament in November 1640 and the outbreak of civil war in August 1642. What happened instead was a dismantling of the institutional and personal manifestations of the 'Personal Rule', and even that took almost a year to achieve, even given a severely weakened King increasingly dependent on the financial support of his decreasingly supportive subjects assembled in Parliament. Indeed, the tactic of simply dissolving Parliament and retrench, used already that year and earlier in 1629 became less and less a possibility as the instruments of royal government ceased to exist and nothing took their place. The 'constitutional' changes of the Long Parliament had their origins in concerns highly localized both geographically and temporally. They held force because the 'opposition' dominated Parliament, which was only one instrument of government, but whose power was great but unwieldy and unprepared for policy implementation. Parliament was, in fact, a potpourri of literally as many interests and concerns as members. The events of the 1620s had taught Charles and Pym alike the uselessness of a Parliament without strong direction and clear purposes, and both sought to give those qualities, evident from Charles' insistence on order and Pym's clear recognition of the validity of many of the Crown's financial demands. Indeed, Pym

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85 Russell, *Fall*, p. 119; Sharpe, p. 870.

possibly looked at his actions in Parliament as steps towards running the Exchequer. Without an understanding of the composition and working of Parliament, the actions of its members, especially its dominant ones, is incomprehensible.

Parliament comprised, in standard contemporary theory, three distinct elements, all of whom had to agree on a matter before it could become law: Commons, Lords, and King.[86] The Commons had 493 members in 1640, drawn from all over England and Wales, two from each shire and representatives from each incorporated town or city in varying numbers. Theoretically, each was elected by landholding men, though lack of acclamation reflected serious division among local notables, who would usually agree among themselves on whom to send to Westminster. Many of the MPs were clients of aristocratic notables who shared interests and opinions on political, religious, and economic matters. For example, the Earl of Bedford was Pym's patron, and the ubiquitous Providence Island Company made up the centre of a patronage network. The Lords' House comprised princes of blood royal (Charles had been an active participant in the last sessions of James' reign), the Archbishops of Canterbury and York, the other bishops, and all hereditary aristocracy holding the title of baron or greater. The Lords, a smaller house, still numbered approximately 120 and was chaired by the Lord Chancellor or Lord Keeper, who headed Chancery, the highest court. Lastly, the King was the third branch of Parliament, and the reason for its existence: in Parliament, the King brought together his country to advise him on important matters and to grant supply for carrying out his will. Thus, in 1640, the only way an 'opposition' could hope to use a Parliament without addling it would be to control the agenda of the localist Commons, match that agenda with energetic lords capable of carrying out a programme, and force acceptance of whatever measures passed upon a weak King. At the beginning of the Long Parliament, all these elements were in place: the Commons certainly

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[86] The best aggregate analysis of Parliament in the early seventeenth century is found in Conrad Russell, *Unrevolutionary England 1603-1640* (Oxford: Clarendon, 1990).

wanted change and relief from the apparently unending commands emanating from court; the Lords, being local landowners as well, agreed, and further saw opportunities for advancement once the King's counsellors were removed. Charles, as we have seen, watched his order vanish with the hazards of war and had to work from a position of relative weakness, but remained the single strongest force in the political nation.

Over the next year or so, up to the passage of the Grand Remonstrance in November 1641, numerous acts of Parliament asserted a fundamentally differing view of the purposes and functions of institutions of state; most specifically, Parliamentarians remade Parliament to conform it to their view of themselves and their political functions. At the same time, and partly as a result, they asserted their view of the ideal makeup of other elements of government and actively denied the legitimacy of selected constituent parts of the 'Personal Rule.' Their assertions of illegality of numerous measures was not merely retrospective, but in fact had the legal power of changing the past itself. The Triennial Act, the impeachment of the Earl of Strafford and of certain judges affiliated with various court decisions of the 1630s, the abolition of particular elements of Caroline royal rule, the arguments over the Church and the legal status of its governors, and, most spectacularly and clearly, the Grand Remonstrance, all literally remade the past; as Parliament-men did so, they gained increasing power. They used every avenue to gain support, from pamphleteering to speechmaking, from control of churchmen to control of mobs; their effectiveness meant that the King's language was decreasingly important, and therefore increasingly irrelevant to political life. The empirical 'truth' or validity of claims made by either 'royalist' or 'parliamentarian' propagandists was immaterial: persuasion created necessary political truths. In so doing, Parliament-men remade themselves and their history. Indeed, by the time the Grand Remonstrance passed, two things were clear: first, that many believed that redress of grievances had gone too far, manifest in the closeness of the division and by the abandonment of Westminster by those who felt simply and significantly that they had no say in the assembly to which

they belonged; secondly, that the King and his Council had little to do or say about English government.

The first of the 'constitutional' actions taken by the Long Parliament (the Triennial Act and the Act against Dissolution) were, in reality, stop-gap measures to make sure that the Scots got their demands from the English as part of the peace settlement, and to ensure the continuation of a good credit line to pay the still-extant English army. The Triennial Act, originally a Scottish bargaining chip, was the first action of the so-called 'constitutional revolution' effected by the Long Parliament. Its origins were highly local and particular, and in its original form, its purpose was to make sure that Parliament would be called back to grant appropriate supply so that the army would be paid legally. The Scottish invaders, furthermore, had identified the English Parliament as their centre for support in the southern kingdom; strengthening the Parliament meant strengthening their position. Indeed, peace negotiators between Parliaments would deal not with the King, but to a set of 'conservators' who answered to the following Parliament.[87] The Triennial Act, therefore, was not an act designed by English Parliamentarians to make Parliament a permanent institution; rather, it meant to deal with a specific problem of relations between British kingdoms that shared a common crown. The Act against Dissolution was an exercise in credit management, because those who lent (and were still lending) monies for payment of troops demanded security of credit. "What was going on was not a long-term shift to 'parliamentary government,' but a set of emergency measures designed to put the kingdom together again."[88] The effect of these two new laws, however, was considerably longer-lasting, because, for the first time, it became proper to speak of 'Parliament' as a continuing entity of government, and not of 'Parliaments' that came into being and dissolved, leaving little

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87 Russell, *Causes of the English Civil War* (Oxford: Clarendon, 1990) pp. 28, 119.

88 Russell, "The Nature of a Parliament in Early Stuart England," p.149.

trace.[89] Thus, one of the most significant elements of the 'constitutional revolution' was not revolutionary at all, but its purpose was in fact specific, local and conservative. Furthermore, they were the only major statutory actions taken for the first several months by both houses and agreed to by the King, other than the ongoing supply question. Later claims about these laws restoring the proper constitutional order do not withstand empirical examination; even so, claims of Parliament's expanded status were now significantly easier to make.

If Parliament was not concerned with institutional, 'constitutional' changes, its efforts must have lain elsewhere. Religion, as a broad category of analysis, was the foremost concern of many in the Long Parliament. Indeed, on 11 December 1640, Alderman Pennington presented a massive petition against episcopacy, signed by about 15,000. The 'Root and Branch' petition, organized by militants in the City, linked the 'Arminian' cause to most other major grievances of MPs, in vitriolic language: the new canons of 1640, the Book of Sports, monopolies, impositions, Ship Money, the decay of trade, the war with Scotland, and the Laudians' use of 'superstition and ritual,' which raised the expectations of the Papists, were all the result of Arminian innovation.[90] The solution was not the replacement of the Bishops, but the abolition of episcopacy altogether. "They themselves having formerly held, That they have their Jurisdiction or Authority of humane Authority, till of these later times being further pressed about the unlawfulness, that they have claimed their calling immediately from the Lord Jesus Christ..."[91] Episcopacy was, the petition claimed, a Catholic invention fully accepted by their cousins the Arminians to encourage "the great encrease of Idle, Leud and Dissolute, Ignorant and Erroneous Men in the Ministry," which would, in turn, serve the interests

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89 *Ibid.*

90 Anthony Fletcher, *The Outbreak of the English Civil War* (London: Edward Arnold, 1981) pp. 91-92; J. Rushworth, *Historical Collections* (London: 1659-1692), vol. iii-i, pp. 93-96; Pearl, *London and the Outbreak of the Puritan Revolution*, pp. 210-228.

91 Rushworth, *Historical Collections*, vol. iii, p. 93.

of the false Romish Church.[92] The radical nature of the request made its appeal not to the recent past but to the primitive Church, far beyond the reaches of accurate knowledge. The King, obviously, could never accept the demands of the petition, since royal government depended on the church; "No bishop, no King" was James' slogan, and Charles accepted it fully (and, as it would seem, correctly). On such a fundamental issue as the organization of the Church, the House split, but on 1 May 1641 the House read for the third time a bill designed to end the secular employment of the Bishops, eliminating them from (among other offices) the Privy Council and the House of Lords. Naturally, the House of Lords, with the Bishops sitting, viewed the abolition of episcopal government with even more suspicion, and did not pass the bill in June.[93] (Even so, under the very different circumstances of February 1641/2, the King assented.) During the reigns of Elizabeth, James and for much of that of Charles, episcopal government was the natural, accepted and moral way of organizing the church. 'Root and Branch' (and its subsequent consequences) changed political discourse completely, to the King's disadvantage.

Other, more moderate, opinions had their advocates as well: the Earl of Bedford, Pym's patron and colleague in the Providence Island Company, had plans to settle the controversies raging inside and outside Parliament: appointment of some key Parliament-men to positions of influence (Bedford to the Lord Treasurership and Pym to the Chancellorship of the Exchequer), revival of Robert Cecil's failed Great Contract of 1610, and the return of episcopacy to its status under Queen Elizabeth.[94] Unlike the Root and Branch appeals, Bedford's plan appealed to a time within living memory, before the rages of the present Parliament, before the Laudian ascendancy, before Charles' reign. In particular, though the proposal failed, its view of Elizabeth's Church as

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[92] *Ibid.*, p. 94.

[93] *House of Lords Journal* [hereafter *LJ*], vol. ii, pp. 165, 167.

[94] Bedford's plan is best elucidated in Russell, *Fall*, pp. 237-273.

'primitive' was a political and historical statement that the Church in times at the edges of human memory, about 40 to 80 years before 1640, was its proper construction. Unlike Root and Branch, the Bedford plan did not call for the outright abolition of episcopacy as an element of the false, Roman Church, but rather, it viewed episcopacy and synods as different elements of Church government. Elizabeth's Church did not function according to Bedford's plan[95], but the Elizabethan settlement was remade into a politically expedient past. Similarly, the Great Contract, unacceptable in 1610, would likely have seemed equally unacceptable to a Parliament bent on the dismantling of all regular forms of money, including even Tonnage and Poundage. Nonetheless, Bedford's proposed settlement was a moderate counterpoint to the radicalism of the Root and Branch petitioners; both proposals looked for precedent, and found it, whether accurate or not.

Along with considerable discussion of a new religious settlement, Parliament dedicated itself to the dismantling of elements of the government of the 1630s, ridding the government of certain personalities, 'programmes,' and institutions who earned the opprobrium of a majority of the membership in both Houses of Parliament. Thomas Wentworth, the former Lord Deputy of Ireland who had recently returned to England and elevated to the peerage in January 1639/40 as Earl of Strafford, was a principal target. As one of the co-architects of 'Thorough,' and as a man who held control of an army beyond Parliamentary purview in Ireland, Strafford was an obvious choice for impeachment, and therefore the Long Parliament immediately formed a semi-regular conference between committees of the Commons and Lords to arrange the Earl's trial for treason. To do so, clearly, meant the inclusion of Irish affairs into an English Parliamentary committee; the House of Commons, despite objections from members

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95 For a summary of the Elizabethan settlement, see John Guy, *Tudor England* (Oxford: Oxford UP, 1988) pp. 290-308.

that to do so was without precedent,[96] agreed to meet as a Grand Committee of the Whole that would meet every Thursday at 2 o'clock. The Lords, being a smaller body, formed a much smaller committee. Those two committees, individually and in conference, eventually produced 28 articles purporting to outline his treasonable acts. The trial, which began on 22 March 1640/1, lasted until 12 April 1641, and was held in Westminster Hall by the House of Commons in the presence of the House of Lords, the Scottish Commissioners and observers from Ireland. The articles ranged from accusations of particular conduct in Ireland, such as the prevention of the normal course of law (and in particular as it related to Richard Boyle, the Earl of Cork, attempting to regulate the Irish tobacco trade for his own profit.) Indeed, the first seventeen charges all deal exclusively with Irish affairs, amounting to an English appropriation of jurisdiction over another supposedly sovereign kingdom, a fact Strafford pointed out repeatedly during his trial. The twentieth through twenty-second articles dealt with Strafford's opinions and advice over the Scottish invasion, and the remainder accused him of treasonous actions since the calling of the Short Parliament, such as advising closer collection of Ship Money, stating that Parliament had forsaken the King, devalued the currency, instituted a *per diem* tax in Yorkshire, and encouraged a renewal of fighting with the Scots.

Unfortunately for Strafford's opponents, none of the articles were actually indicative of treason, and many were empirically inaccurate. One charge, that he forced the King's Irish subjects to take an oath of allegiance to the King, seemed even antithetical to the charge of treason. Many of Strafford's putative crimes were standard orders of trade regulation instigated by a royal deputy acting for the crown in the King's absence. Poor advice (if it was indeed poor) was also not a treasonable offense under

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[96] Sir Edward Bainton and Sir Richard Luson (according to Rushworth) "conceiving it without President' voted against the creation of the committee, along with 150 other MPs. John Rushworth, *The Tryal of Thomas Earl of Strafford* (London: for J. Wright and R. Chiswell, 1680) p. 1.

English law. In effect, the accusations against Strafford amounted to a catalogue of his actions as a royal servant acting under the King's command. Since treason is committed against the King, very few of the accusations even had a basis in law. The only one that was even potentially possible as a treasonable offense was the accusation that he "did treacherously, falsly and maliciously endeavour to incense His Majesty against His loving and faithful Subjects, who had been Members of the said House of Commons."[97] The prosecution, though, attempted the invention of a new way of proving treason: cumulative actions adding up to a treason conviction. As Pym argued, "It is the end that doth inform Actions, and doth specificate the nature of them, making not only criminal, but even indifferent Words and Actions to be Treason, being done and spoken with a Treasonable intention."[98] Strafford's response to the innovative legal interpretation was correct in law and prophetic in implication:

> ...certainly it were better to live under noe Lawe at all, but the will of men, than to conforme our Selues under the Protection of a Lawe, as wee thinke, and then be punished for a Crime that doeth precede the Lawe: what man can be safe if this be admitted:?[99]

The trial for treason, partly because of this defense, was insufficient to secure a conviction, and Strafford's enemies resorted to the heaviest possible use of available legal machinery to secure conviction: attainder.

In the meantime, Charles was desperate to save his friend. On 23 April 1641, Charles wrote a letter assuring his minister of safety:

> Strafford
> the misfortune that is falen upon you by the strange mistaking & conjunctur of thease tymes being such that I must lay by the thought of imploing you heereafter in my Affaires; yet I cannot satisfye my self in Honor or Concience, without asseuring you (now in the midst of Your

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97 *Ibid.*, p. 72.

98 *Ibid.*, p. 661.

99 Strafford Papers (Str P) 40/54. Originals are preserved in the Sheffield City Libraries.

> trobles) that, *upon the word of a King*, you shall not suffer in Lyfe, Honnor or Fortune: this is, but justice, & therefore a verie meane rewarde from a Maister, to so faithefull & able a Servant as you have showed your self to bee, yet, it is as much, as I conceave the present tymes will permitt, though none shall hinder me from being
>
> your constant faithfull frend
> Charles R[100]

Despite Charles' pleading to spare Strafford, arguing that he saw no treason against him, and promising that Wentworth would never serve him again, Parliament refused to accept the invitation to convict on the basis of a misdemeanour. Instead, since they were unable to secure conviction in a grand trial, Parliament-men simply passed a law stating that he was guilty, in effect, executing him without due process. Attainder, as a legal instrument, was the heaviest possible method of removing Strafford, indicating the extent of the fear many members had for the Lord Deputy. Charles, relieved of his promise to save Strafford, and forced by a general climate of fear and hostility built by Parliament, agreed to the Act of Attainder on May 10, and, according to accounts of his last days, regretted abandoning his friend, servant and subject to the end.[101]

With Strafford dead, Parliament had succeeded in making, by virtue of law agreed to by Commons, Lords, and King, some claims about the past. In legal language, precedent is the past, and with acceptance of claims of Strafford's guilt, the Deputy became one of the chief villains of the decade without Parliaments. By direct implication, *Charles' 'Personal Rule' had become attainted* along with his minister. That Charles had broken his word both as a friend and, more importantly, as a King, in allowing Strafford's death only heightened the personal and political ramifications of the event. In addition, despite the failure of the 'cumulative treason' argument, it, too, became a legal precedent by virtue of statute. Furthermore, and importantly, Charles

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100 Str P 40/41. Emphasis added.

101 *Eikon Basilike: The povraicture of His sacred Maiestie in his solitvdes and svfferings* (London?: 1648/9) p. 267. This is probably the first edition of *Eikon Basilike*, which had an enormous print run and numerous editions of varying quality.

agreed that his English Parliament had legal and administrative jurisdiction over a different kingdom. By allowing Parliament to create precedent through the use of attainder, the language of political discourse altered to Parliament's benefit. Furthermore, the charges against Strafford included mention of two of the other villains of the decade, Archbishop Laud and Lord Keeper Finch, as co-conspirators.[102] Thus, Strafford's guilt tarred the other two, the Archbishop now imprisoned and the Lord Keeper in flight. That guilt-by-association aided the re-creation of the 1630s as a time of tyranny, since Laud, as the author of so many of the religious policies, and Finch, as the head of a vexatious legal system, were clearly implicated as well. Charles accepted those ramifications along with the Attainder, and lost another language-game of political and historical discourse in so doing.

The Earl of Strafford was only one of the personalities of the 'Personal Rule' whom Parliament-men wanted eliminated. The Judges upheld the measures of the 1630s, and even advised the pursuit of some of the policies. For example, Ship Money was the late William Noy's idea, who was Attorney-General at the time. The Judges, one of whose duties was to advise the King on legal issues, possessed the antiquary knowledge about the ancient forest boundaries and the dormant practice of knighthood presentment; to assume that the great Judges of the realm were apolitical is a present-centred mistake. The Chief Justice, John Finch, later became Lord Keeper, and the others all held 'political' as well as judicial roles. Thus, the judges who tended to side with the crown, like Finch, Berkeley, and Davenport, were important, if secondary, targets for impeachment. Finch, who had declared in 1637 at John Hampden's trial that no Parliamentary acts made any difference if they impeded the King's ability to defend his Kingdom[103] had fled, so the others unsympathetic to the aims of MPs became the priority. With new statutory authority declaring judgments of the previous decade illegal

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102 *Tryal.*, p. 73.

103 W. Howell, ed., *State Trials* (London, 1808) vol. iii, p. 1810.

(see below), they became especially vulnerable to removal. Unlike Strafford's case, which an act of Parliament resolved, the King had no way of protecting royalist Judges from removal, and as early as December 1640, Parliament had rid itself of its rivals in the sphere of lawgiving: the claim to be the ultimate interpreters of law was one which, now established, gave (the) Parliament considerable importance.[104] Even though many of the 'evil counsellors' were under lock and key, their impeachments would not go ahead as planned, as the House of Commons repeatedly sent requests to the Lords to proceed.[105] Even so, the Judges were ensconced, and would not be returning to the political scene.

The judges, though, were only one element of the legal machinery of the previous decade, and MPs realized that they would have to go further than merely eliminating the people behind enforcement of unpopular measures; the measures themselves had to go as well. This, again, was typical of Parliamentary action; much of the 1621 Parliament revolved around the removal of monopoly patents. In 1640, though, redress of grievances included measures designed to make assertions about the nature of laws that were not merely applicable forward in time, but backward as well. That is, MPs and Lords made laws that abolished governmental measures and declared them always to have been illegal. By doing so, the texts of laws themselves included claims about the past; indeed, the laws represented an implicit interpretation of English history. Just as Parliamentary actions related to religion and the Church appealed to a past time 'out of mind' to establish interpretive certainty, changes in the law looked back to centuries-old precedent to override more recent 'innovations.' The advantages of this approach were multiple: first, most obviously, the law could not easily be changed back; secondly, making such claims, and having the King accept them, would mean that the political nation as a whole accepted the changes; thirdly, they wiped out one version of the past and replaced it with another, more acceptable one. In doing so, further

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104 *LJ* vol. iv, p. 303; Russell, *Fall*, p. 231.

105 *House of Commons Journal* [hereafter *CJ*], vol. ii, pp. 157, 159, 168, 172, 189, 191, 193, 199, 208.

advantages accrued, such as an increased ability to impeach judges and other ministers of the 'eleven-years' tyranny,' and the gain of the most powerful element of English law, Parliamentary statute, to justify future actions. The Long Parliament, up to about August 1641, systematically dismantled the major financial and legal mechanisms and institutions of the 'Personal Rule,' including Ship Money, forest extension, knighthood fines, and the courts of High Commission and Star Chamber. In doing so, the King gave up not only financial stability and mechanisms of government; he lost the control of the legal past.

The biggest financial measure of the 1630s was Ship Money, whose collection régime was the closest England had seen to a yearly income tax. As such, it was the primary target of both Houses of Parliament. In November 1640 Henry Parker, the future Parliamentary absolutist[106], argued in a pamphlet that "the King may not impose a pecuniary charge by way of Tollage, but onely a personall one by way of service ... Shipmony ... is but a picklocke trick, to overthrow all liberty and propriety of goods."[107] Members of the Commons agreed: one of their first actions was to create a committee to draft a bill to do away with the levy.[108] For months the committee laboured, with assistance from Pym's allies and patrons in the Lords, and finally presented a bill on July 26, 1641.[109] Unaltered in either House, the bill to which Charles gave his assent on August 7, 1641, implicitly changed the governmental order. It did not merely declare that "the Writs commonly called Shipwrits all which Writs and proceedings were utterly

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106 That is, he believed that Parliament should have not merely say but supremacy over most matters of governance. For an analysis of his belief, see M. Mendle, "The Ship Money Case, *The Case of Shipmony*, and the Development of Henry Parker's Parliamentary Absolutism" *Historical Journal*, 32, (1989) pp. 513-536.

107 Henry Parker, *The Case of Shipmony Briefly Discoursed* (London: 1640) p. 40.

108 *CJ*, vol. ii, p. 47.

109 *CJ*, vol. ii, pp. 35, 38, 42, 46, 47, 67, 76, 81; *House of Lords Journal* [*LJ*] vol. iv, p. 136.

against the Law of the Land"[110], as might be expected, but also spoke about the Judges' role in its enforcement:

> ... the said agreement or opinion of the said Justices and Barons and the said Judgement given against the said John Hampden *were* and are contrary to and against the laws and Statutes of this Realm the right of property the libertie of the Subjects former resolutions in Parliament and the Petition of Right.[111]

This element of the bill would simplify the impeachment of the judges, sidestepping the issue of how to declare lawgivers' decisions against the law they uphold; Berkeley and Finch, in particular were the targets. Parliament did have the power to reverse judgment in cases, but the assertion that a decision was against the law was a new and powerful step. Most significantly, the law established Ship Money's retroactive illegality. It was not merely abolished henceforth, but the law declared that it had always been illegal:

> ... all and every the Records and Remembrances of all and every the Judgment, Inrolments, Entry and Proceedings as aforesaid, and all and every the Proceedings whatsoever, upon or by Pretext or Coulour of any of the said Writs, ... and all and every the Dependants on any of them, shall be deemed and adjudged to all Intents, Constructions and Purpose, to be utterly void and disannulled... [they] shall be vacated and cancelled in such Manner and Form as Records use to be that are vacated.[112]

Since Ship Money had always been illegal, therefore, those who put it into practice and approved its use were legally and morally wrong to do so, even though they could not know of a law passed after their actions. Even so, the authors of the levy became 'innovators,' while Parliament could reassert its status as protector of the ancient rights of Englishmen.

The reassertion of Forest limits was another principal financial measure of the 'Personal Rule' and, thus, another principal grievance of the Long Parliament. As with

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[110] Stat. 16 Car. I c. 14 (1641); printed in R. Drayton, ed., *Statutes of the Realm* (London: 1809) vol. v, pp. 116-117.

[111] *Ibid.* Emphasis added.

[112] *Ibid.*

Ship Money, the 'Act for the Certainty of Forests, and of the Meets, Meers, Limits and Bounds of the Forests' (16 Car. I c.16 (1641)) did not merely undo royal policy of the preceding decade, but appealed to a more distant precedent. Indeed, in the preamble to the bill, the authors appealed to the same statute (1 Ed. III Stat. 2 c.1) upon which Charles had based his claim to the same land.[113] The bill, however, asserted that "certain ... Limits and Bounds of the Forests, have been commonly known and observed in the several counties wherein the said forests lie," implying that practice overrode statute. Most interestingly, the bill declared that "of late divers Presentments have been made and some Judgments given, whereby the Meets, Meers, Limits and Bounds of some of the said Forests have been variously extended, or pretended to extend, beyond some of the said ... Limits and Bounds so commonly known and formerly observed, to the great Grievance and Vexation of many Persons having Lands adjoining ... [O]f late Time some Endeavours or Pretences have been to set on foot Forests in some Parts of this Realm, ... where in Truth none have been or ought to be, or at least have not been used of long Time." Thus, Parliament denied, retroactively, statutory legitimacy to the King, and in so doing, made the enforcement of Forest laws an 'extension,' and not, as the government would have it, merely new application of a valid, if old, law. Indeed, historians have generally referred to the 'Forest extension' and not by another term, implicitly accepting the claims made by the Long Parliament. The new law ignored the old merely as a quaint obsolescence, and that the 'commonly known' boundaries of 1623 ('the twentieth Year of the Reign of our late Sovereign Lord King *James*') would hold, without a definition of where those lands lay. Indeed, the new 'old' boundaries were to be determined by a joint committee of Lords and Knights and Burgesses, designed to take away the authority to do so from the King and his ministers, but at the same time accidentally building another element of Parliamentary government. By assenting to the

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113 *Ibid.*, 16 Car. I c. 16 (1641), pp. 119-120.

bill, Charles gave up claim to another element of the law, and another element of the past, as his subjects asserted that his statutory claims were only 'pretended.'

Another bill passed by all three branches of Parliament, 'An Act for the Prevention of vexatious Proceedings touching the Order of Knighthood' (16 Car. I c. 20 (1641)), undid a major financial measure of the decade without Parliaments, removing, once again, a disliked measure of the 1630s on the basis that it was an illegal innovation. As with the new Forest law, the preamble made a legal claim whose basis in precedent was dubious at best, but because it passed through Parliament, it became a truth according to statute law. It began clearly and unambiguously: "Whereas upon the Pretext of an ancient Custom or Usage of this Realm of *England*," and thus implicitly denied any precedent that may have existed for the practice previously. The preamble also declared that "it is most apparent, that all and every such Proceeding in regard of the Matter therein pretended, is altogether useless and unreasonable."[114] The uselessness and lack of reason behind the levies notwithstanding, the abolition of knighthood fines, like the dismantling of the other measures of the 'Personal Rule,' looked back to a distant, idealized past where gentlemen paid nothing to the crown except supply voted by Parliament. In dismantling these measures, Parliament did not look to the replacement of necessary monies, except for voting a few subsidies or Tonnage and Poundage on temporary bases. Parliamentary action had stripped the King of all his major sources of funds, and made itself by law practically the only body capable of funding the crown; in so doing, it made itself a permanent institution far beyond what the Triennial Act, for example, could ever do. Quite simply, an England without Parliament meant an England without government. All of the appeals in the bills dismantling the particular measures of Charles' reign appealed to a precedent wherein Parliamentary power was the natural consequence. Given the fear of 'innovation' in law and society, the changes had

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114 *Ibid.*, p. 131.

to appear to be entirely natural consequences of the English legal and institutional framework. Charles' policies, therefore, were not merely disallowed thenceforth, but were disallowed backwards in time as well. In effect, one interpretation of English legal rule replaced another.

Nowhere was that replacement more apparent than in the abolition of some of the mechanisms of 'absolute' government. Parliament-men looked to their recent experience and selected elements of royal government as 'arbitrary' and against the fundamental laws of the realm. In particular, they saw certain 'prerogative' courts as especially insidious and unacceptable, notably the ecclesiastical Court of High Commission and the Court of Star Chamber. William Laud had revived and strengthened High Commission in his tenure of the archdiocese of Canterbury. Its status as a standing royal commission for 'causes ecclesiastical,' whose membership included the Privy Council, all the Judges, Bishops, Deans, and Archdeacons of the Province of Canterbury. It had existed from the 1580s, but Charles expanded its scope and power by royal writ in 1629 and 1633.[115] In the Grand Remonstrance, MPs were later to claim that "... High Commission grew to such excess of Sharpness and severity as was not much less then the *Romish Inquisition*, and yet in many Cases by the Archbishops power, was made much more heavy, being assisted, and strengthened by Authority of the Conncil [*sic*] Table"[116] High Commission had become a major element in the enforcement of religious conformity of the 1630s, when Laud's policy of 'Thorough' dominated. As a so-called 'prerogative' court, it became known as a basis of arbitrary rule by the hated Laudian establishment. As with other efforts to undo the

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115 G. Aylmer, *The King's Servants*, pp. 51-52; for a justification of High Commission see 'A Proclamation declaring that the proceedings of His Majesties Ecclesiasticall Courts and Ministers, are according to the Lawes of the Realme' printed in J.F. Larkin, ed., *Stuart Royal Proclamations Volume II: The Proclamations of King Charles I, 1626-1646* (Oxford: Clarendon, 1983) no. 244 (18 August 1637) pp. 572-573.

116 Printed in J. Rushworth, ed., *Historical Collections* (London: for R. Chiswell and T. Cockerill, 1692) vol. iii-i, p. 443.

'Personal Rule,' the 'Repeal of the Branch of a Statute *primo Elizabethæ*, concerning Commissioners for Causes Ecclesiastical' (16 Car. I c. 11 (1641)) amounted to statutory overkill. It outlawed 'for ever' (in a bold attempt to restrict the practice of *future* Parliaments, this time) *any* punishment in the jurisdiction of the now-abolished Court of High Commission. The following were forbidden from action:

> neither Archbishop, Bishop nor Vicar General, or any Chancellor, Official nor Commissary of any Archbishop, Bishop or Vicar General, ... nor any other Spiritual or Ecclesiastical Judge, Officer or Minister of Justice, nor any Person or Persons whatsoever, exercising Spiritual or Ecclesiastical Power, Authority or Jurisdiction, ... by *any Power or Authority derived from the King his Heirs or Successors or otherwise*[117]

This included not merely regulation of preaching and sermonizing, but also the restriction of 'ecclesiastical' legal violations like adultery or other sex crimes. The language of the statute meant that it abolished along with its target all statutes relating to weekly Church attendance, or indeed obedience to any ecclesiastical authority up to and including the King. Legally, the Act seemed practically to grant total religious freedom (hardly a goal of anyone), since no coercive capability replaced the Ecclesiastical Courts; indeed, the final clause of the bill forbade the crown from ever setting up a replacement. Given the tone of religious debate and the identification of 'Thorough' with Catholicism, the statute was not unexpected; its contents were considerably more surprising, and tore down the edifice of Church government without putting anything in its place.

Parliament aimed similar weapons of destruction at another of the so-called 'Prerogative' courts, this one concerned with more secular matters. To twentieth-century ears a 'Star Chamber' is an arbitrary, extremely powerful decision-making body whose authority seems unassailable. By the 1630s, Star Chamber had become, by virtue of its efficient process, the quickest route to judicial decision of any case. Charles'

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117 *Statutes of the Realm*, vol. v, pp. 112-113; emphasis added.

ministers also used it to dispose of disruptive elements of the body politic, such as the sensational trial of Burton, Bastwick and Prynne for religious sedition in 1637. Like the statute abolishing the Ecclesiastical Courts, the 'Act for the Regulating of the Privy Council, and for taking away the Court commonly called the Star-Chamber' had implications for the governing of England far beyond merely the abolition of an element of state machinery. While acknowledging that Star Chamber existed legitimately, it accused the Judges of going beyond their statutory authority, and labouring instead to create an "intolerable Burthen to the Subjects, and the Means to introduce an arbitrary Power and Government."[118] The statute abolished, along with Star Chamber, the President and Council in the Marches of Wales, the Court of the Duchy of Lancaster, the Court of Exchequer of the County Palatine of Chester, and "all Courts of like jurisdiction." As with High Commission, nothing replaced these courts, introducing effective anarchy in the jurisdictions encompassed by the now-dissolved bodies. Furthermore, in the case of Star Chamber, the law declared that "all Jurisdiction, Power and Authority belonging unto, or exercised in the same Court ... be ... clearly and absolutely dissolved, taken away and determined." The abolition of Star Chamber therefore included the repeal of any decrees therein issued, since they were thenceforth illegal. Since Charles accepted the bills, he therefore also agreed with the pretexts and implicit claims of the proper makeup of the state. The abolition of his governmental apparatus, therefore, had full authority of law, as did any inferred claims of historical truth. Indeed, by assenting to the bills, Charles provided a legal foundation for Parliamentary claims of historical fact. Indeed, in the transition from 'artefact' to 'fact,' little could help the Parliamentary cause more than full statutory authority for their claims. By assenting to the impeachment of his servants, to the removal of particular governmental measures, and the abolition of governmental instruments of coercion,

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118 *Ibid.*, pp. 110-112.

Charles gave authority to an interpretation of English history radically different from his own. With his authority to rule disappearing, he had to depend increasingly on Parliament to run the government. Many important elements of government, especially courts, had disappeared without an adequate replacement, thus creating, in the eyes of the law, an anarchy.

The abolition of Star Chamber, especially, led to more than merely legal chaos. For over a year, control of media was slipping out of royal hands, and with it the levers of rhetorical suasion. The summer and fall between the Parliaments saw, significantly, the continuing breakdown of the system of censorship of the press and the development of a unique form of political pamphlet culture.[119] The institutions of print were complex, and allowed a system of regulated anarchy every stage of which was open to an enormous variety of emendation, legal crackdown, piracy,[120] and other forms of disruption both legal and sub-legal. In theory and largely in practice, all printers were members of the Stationers' Company, a trade guild closely regulated by the royal government. All presses were licensed by both them and the royal censors. Presses, however, were available to unlicensed practitioners of the printers' art: periodic purges of offending printers and seizure of their equipment were common.[121] The high rate of literacy among the

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119 Pamphleteering in the 1640s has long been a subject of considerable interest to historians and literary critics alike; John Milton penned *Areopagitica* (London: 1643), calling for the liberation of presses, in 1643. This work has fascinated scholars of Milton greatly; I will not cite the numerous studies of it, many of which make mention of the development of pamphleteering in the civil war period. Several recent relevant works of notable reference are Elizabeth Skerpan, *The Rhetoric of Politics in the English Revolution 1642-1660* (Columbia: University of Missouri Press, 1992), Adrian Johns, "Wisdom in the Concourse: Natural Philosophy and the History of the Book in Early Modern England" (PhD Thesis, Downing College, Cambridge University, 1992), and Michael Mendle, "*De Facto* Freedom, *De Facto* Authority: Press and Parliament, 1640-1643" *Historical Journal*, 38, (1995) pp. 307-332. I am grateful to Dr Julian Martin for the reference to Johns' dissertation.

120 Piracy is a vague term to describe unauthorized printing in an era prior to copyright law. There were numerous forms of it ranging from out-and-out theft to more devious forms of alteration. In its most general definition, piracy was either seditious printing or the unauthorized printing of another's works, which included alteration of texts. See Johns, pp. 61-71, for a fuller description of this phenomenon.

121 Johns, p. 57.

population made the demand for documents considerably greater than on the continent; historians have estimated that in London alone up to 78% of the population could read (and political discourse, of course, did not restrict itself to the literate public).[122] Indeed, those who could read, read aloud to crowds of nonreaders, a prominent example of which Clarendon described.[123] Thus, illegal or sub-legal printing filled a huge demand from a politically active and literate populace, and, given the availability of presses, printers could thus easily skirt censorship laws and even the rules of their own company.

A decree of the Court of Star Chamber in 1637 was the last royal order on the subject of printing prior to the Long Parliament. Five days following the public pillorying of Bastwick, Burton and Prynne in July of that year, Star Chamber (the same court that had recommended such a harsh sentence against the three) forbade printing of English books abroad and prohibited foreigners, unless members of the Stationers' Company, from importing books, and those could be imported to London alone, and under the auspices of royal authority. The bishops (especially Bishop of London, in whose diocese alone printing was legal, with the exception of the University presses in Oxford and Cambridge) were henceforth to license "all books and pamphlets and every title, epistle, preface, proem, preamble, introduction, table and dedication thereunto annexed."[124] Furthermore, the decree strengthened the penalties against press owners and authors alike from fines and imprisonment to pillorying and whipping for 'unallowed' printers. The Star Chamber decree was thus one of the single most important and effective means of maintaining royal authority and order. By controlling the range of discussion, the king controlled huge elements of political discourse, and to

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122 Skerpan, p. 6; David Cressy, *Literacy and the Social Order: Reading and Writing in Tudor and Stuart England* (Cambridge: Cambridge UP, 1980) p. 74. This figure drops substantially in other areas; for example, the areas around London, which had the highest rates of literacy outside London, had rates only of 25%-32%.

123 Clarendon, vol. iv, p. 199.

124 *CSPD*, 1637-1638, p. 72.

challenge that discourse was to invite massive retaliation from entrenched and near-absolute institutional control.[125] As we have seen, control of political discourse is more than an avenue to power; it is the essential constituent element. That control, along with the rigours of censorship, were to disappear with the abolition of Star Chamber in 1641, and a veritable explosion of printed material became available to Englishmen, especially Londoners, for perusal and commentary. The printers themselves only added to the anarchy of the situation. Those who operated the presses were always ultimately responsible for the contents of the printed work: "the printer's was the dominant presence in a newspaper."[126] With piracy rampant (and, indeed, an almost expected element of print culture) no text could be fully trusted. In the case of Prynne's printer Michael Sparke, who imported Bibles, those given the imprimatur by Laud were corrupted by papism, and the response was that the imports were contrary to the church of England.[127] If the Bible, the word of God Himself was suspect, knowledge and truth would indeed become anarchical if censorship were to fail. In the anarchy that eventually arrived, the truth or falsity of any claim was not only impossible to determine; empirical truth became immaterial. Rather, the force of public opinion and belief determined legitimate knowledge. Whether people believed what they read was the critical issue of printed materials.

During the Long Parliament, for the first time (and the last for well over a century), the speeches given by MPs themselves were available as a result of the explosion in the printing market. With the practical breakdown of censorship by 1640 and the official dismantling of the systems of royal and episcopal control with the abolition of Star Chamber the following year, printers were able to publicize and transmit the

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125 See, for an example of that power, the trial of William Prynne in 1637 in *State Trials*, vol. iii, pp. 561-586.

126 Johns, p. 63.

127 *Ibid.*, p. 70. Johns notes that by the 1830s, approximately 24,000 variations of the 'Authorized' (King James) Version existed.

forbidden knowledge of parliamentary debates to a waiting populace. Officially, members were still forbidden to publish speeches, though, as Bulstrode Whitlocke said in Moore's diary of the Parliament indicates, it was an often-ignored law: "he conceives to be of a very high consequence, that no member of this house ought to publish any speech or passages in this house though it be very frequent ..."[128] Whitlocke was debating the burning of a book written against the Grand Remonstrance of several months previous, and speaking in favour of renewal of censorship, this time not by the crown but by an increasingly independent House of Commons. Even so, as he said, printing MPs' speeches was a common occurrence; over 100 speeches had been printed in a fifteen-month window of opportunity between regimes of strict censorship.[129] Indeed, the printing of those documents was a microcosm of print culture as a whole: publication was anarchistic, and the works themselves divided indiscriminately between truth and falsity. Furthermore, they were extremely ephemeral. Only by the remarkable coincidence of the survival of the library of the bibliophile George Thomason are many of these tracts available for historians' examination. There were four types of Parliamentary ephemera preserved in the Thomason Tracts: speeches read from a script or memorized by the speakers; impromptu or note-based speeches written down later; a reconstruction based on an observer's notes; and fabrication.[130] To make matters worse, printers conflated multiple speeches, combined actual events with fictional ones, and were possessed of an editorial power beyond the control of the speechmaker. Still worse, some were authorized and intended for publication as stated; others, even if they were accurate, were not. Those who printed the speeches were generally sympathetic to the goals of the Parliament-men, and opposed the crown. "Vigorous, if vulgar, tabloid

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128 Printed in W. Coates, A.S. Young, and V. Snow, eds., *The Private Journals of the Long Parliament, 3 January to 5 March 1642* (New Haven: Yale UP, 1982) p. 262.

129 A.D.T. Cromartie, "The Printing of Parliamentary Speeches November 1640-July 1642" *Historical Journal* 33 (1990): p. 23 *et passim.*

130 *Ibid.*, p. 24 Cromartie provides a list of probable and definite fabrications on pp. 42-44.

journalism *avant la lettre*, sustained by an underclass of undisciplined elements of the Stationers' Company, non-company interlopers and hawkers," was the rule of the day.[131] Those elements of the printers' classes most hurt by Caroline censorship laws, those most likely to hold the opinions of the London anti-royal mobs, and those who had the most to gain financially through a steady production of news from "a dripping spigot of rumours and innuendoes [that] ... every week seemingly brought forth a new emergency"[132] were the younger, unlicensed members who would print anything for a price. The chaos of print culture, combined with the increasing fear spread by wild rumour-mongering, served the interests of Pym and his group especially well in 1641.

By November 1641, the chaos of interpretation demanded a response, and Charles and his government were simply too weak to provide it, the instruments of their power having been stripped away without thought of consequences. Simultaneously, Pym's hold on the House of Commons, so strong earlier in the year, had weakened to the point that a 'royalist party' had come into existence in the House, and with it, a sentiment that reform had proceeded sufficiently far, and that further claims to authority by Parliament would collapse the integrity of the political nation. In common practice, the House of Commons would generally talk itself into inaction rather than divide into ayes and nays[133]; by September, recorded divisions were becoming more and more common, a clear indication that Pym's agenda and the House's goals were increasingly divergent.[134] Gardiner, for one, places the split in the House, and in the 'nation,' during the adjournment of the Houses from 8 September 1641 to 20 October 1641.[135] When news of the Irish rebellion arrived in November, Pym seized the opportunity for the

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131 Mendle, p. 307.

132 *Ibid.*, p. 326.

133 Russell, *Parliaments and English Politics*, p. 40: "Formal divisions were rare, and tended to indicate, either that the issue was so contentious that members despaired of achieving a consensus, or that it was so trivial that it was not worth the time needed for a consensus to evolve."

134 See, for example, *CJ* II, pp. 280, 283, 287.

135 Gardiner, vol. x, p. 10ff.

salvation of his political career, and identified his Roman Catholic enemies in Ireland with his domestic enemies. In the atmosphere of panic of that fall, "the Commons needed little encouragement to turn an Irish war into a war of extermination against popery."[136] Pym, for whom success depended upon the ability to persuade the House that the Protestant edifice would crumble before Catholic attacks unless action were immediate, had his political salvation: the Grand Remonstrance. Though passed by the small majority of 159 ayes to 148 nays (and Clarendon later claimed, probably fatuously, that "the hour of the night ... drove away a greater number of old and infirm opposers than would have made those of the negative superior in number"[137]), its passage meant that the House of Commons as a body accepted its contents; on 1 December Pym and a group of 12 other MPs read it aloud to the King, who heard a systematic assessment, in the form of a petition to the King, followed by a list of 206 grievances against the actions taken during his reign.

As a document, its administrative history was relatively simple. Early in the Parliament, the House of Commons set up a committee to make up a list of grievances to present to the king, a standard action of a Parliament performing one of its traditional roles. With its usual inability to control its agenda and its tendency to focus on issues of immediate concern, along with an early proliferation of committees, many of which never met or met only rarely[138], the committee remained largely inactive for almost a full year. With news of Charles' imminent return from Scotland, and with news of the Irish Rebellion, the House reactivated the grievances committee. Its membership, as with all of the major House committees since November 1640, comprised Pym and several of his closest allies in the Commons: D'Ewes, Ingram, Thyn, Bellasis, Gray, Wray, Fairfax, Hopton, Winn, Corbet, Dering, and Haselrig. All had been active 'reformers' to date in

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136 Russell, *Fall of the British Monarchies*, p. 415.

137 Clarendon, vol. i, p. 420.

138 *CJ, passim.*

the session, and, with the exception of Dering, all stood against the King ten months later as the Civil War began.[139] Usually, both Houses considered grievance petitions to the King as a matter of course; in the case of the Grand Remonstrance, however, the lower house gave the upper no opportunity to consider the matter, and indeed, considered printing it even before submitting it to Charles. In effect, it was a Remonstrance from Pym's group in the House of Commons, to the kingdom, about the King.[140] It was, significantly, a Commons committee whom the King received, not a Parliamentary one, a fact that represented as much as anything else the breakdown of a common context of political understanding.

The petition accompanying the Remonstrance served as its preamble and introduction. It claimed that their

> duty which we owe your Majesty, and our Country cannot but made us very sensible and apprehensive, that the Multiplicity, Sharpness, and Malignity of those Evils under which we have now many Years suffered, are fomented and cherished by a corrupt and ill affected Party, who amongst other their mischievous Devices for the alteration of Religion and Government, have sought by many false Scandals and Imputations, cunningly insinuated and dispersed amongst the People, to Blemish and disgrace our Proceedings in this Parliament, and to get themselves a Party and Faction amongst your Subjects...[141]

Those evils were the policies pursued by Charles and his ministers for the previous decade or more; the Party[142] had as its goal the advantage and increase of Popery, war among the British Kingdoms, and charge the cost of those wars to the English people, and

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139 M.F. Keeler, *The Long Parliament 1640-41: A Biographical Study of its Members* (Philadelphia: American Philosophical Society, 1954) provides brief biographies of each MP listed here.

140 *Journal of Sir Simonds D'Ewes, from the First Recess of the Long Parliament to the Withdrawal of King Charles from London*, ed. W.H.Coates (New Haven: Yale UP, 1942; reprinted Archon Books, 1970) pp. 115-117, 143-145, 149-152; Russell, *Fall*, p. 429.

141 Printed in John Rushworth, *Historical Collections*, vol. iii-i, p. 437 .

142 This term, in its 1641 sense, would mean a group of people with particular, rather than general interest; to label a group a 'party' was to discredit it from participation in the political affairs of the nation.

consisted of "divers of your Bishops, and others in prime Places of the Church, ... of your Privy-Counsel, and other Employments of Trust and nearness about your Majesty..."[143] The solution to these putative problems was simple: allow Parliament to dictate to the King what was to be done, especially by removing the episcopal presence in the House of Lords, because they had 'perniciously abused, to the hazard of religion' their Parliamentary power, especially through the introduction of Papist ceremonies; remove from the Privy Council all those of whom Parliament did not approve; lastly, to forbear to alienate any of the forfeited and escheated lands in Ireland.[144] The introductory petition in itself amounted to a request for power never before held by Parliament, and a clear denunciation of Charles' episcopal and lay ministers of state. The King, they claimed for the first time, was against 'his people.' The political questions at play were clearly reflected in two options: submission to Parliamentary (Commons) will, or malfunction of the order of state.

The text of the Remonstrance itself provided, for the first time, a historical justification for Parliament's actions; no longer were knowledge-claims of the past embedded in legal framework, as they had been for months. Pym and his followers made their history with the Grand Remonstrance: the authors reinterpreted the bulk of Charles' reign as a continuing ascension of the forces of the party putatively made up of Jesuits, Papists, and evil Councillors and counsellors. All of the major grievances of the 1620s and 1630s became the handiwork of the sinister conspiracy, designed not only to innovate religion, but also to "disaffect the King to Parliaments by Slanders and false Imputations, and by putting him upon other ways of Supply ... then the ordinary course of Subsidies, though, in truth, they brought more loss than gain, both to the King and People, and have caused the great Distractions under which we both suffer."[145]

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143 *Ibid.*

144 *Ibid.*, p. 438.

145 *Ibid.*, p. 439.

Episcopacy, heretofore a normal and unquestioned system of organization of Church, was the seat of the plot, with an accusatory finger directed without question toward Lambeth. The accusatory tone of the 206 allegations represented the fullest single view of the historical circumstances of Charles' reign to that point, and is a better guide than most others to the changes at work in political discourse. Even matters as uncontrollable as the state of the herring fishery and the foreign exchange rate were among the problems caused by the factious party. The Remonstrance covered the failure of the Rochelle campaign and the circumstances of financial impressment during the wars of the 1620s, encompassed the 'enlargement' of Forests, the imposition of Ship Money, the use of Star Chamber, and the other measures taken during the 'Personal Rule,' and discussed at length the actions taken by the Long Parliament itself in effecting change. It was a statement of principle by the House of Commons (and, more particularly, elements within the House) whose contents would have been unrecognizable even three years earlier. Even the destruction of the elements of government, which effectively left huge parts of England an anarchy, were elements "whereby Men are more secured in their Persons, Liberties, and Estates, then they could be by any Law or Example, for the regulation of those Courts or Terror of the Judges."[146] The advantages of the removal of the financial instruments of 'Personal Rule' were equally unambiguous: "The establishing and ordering the King's Revenue, that so the abuse of Officers and superfluity of Expences may be cut off, and the necessary disbursements for His Majesty's Honour, the Defence and Government of the Kingdom may be more certainly provided for" was a major claim of the benefit of Parliamentary power over Royal revenue. The Remonstrance even named three people directly as agents of the conspiracy: Strafford, Laud, and Secretary Windebank, now safely dead, imprisoned, and exiled respectively.

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146 *Ibid.*, p. 447.

For a King who valued loyalty and order, the naming of three of his ablest councillors as enemies of the Crown and of true religion, the Remonstrance clearly was unacceptable.

Historians have interpreted the Remonstrance (correctly) as representative of the final split in the political nation. Although 1641 saw the dismantling of the mechanisms of Personal Rule, a substantial proportion of Members felt that was sufficient protection of their rights and interests, and further dilution of Kingly power would result in as unbalanced a constitution as the one operative during the 'Personal Rule.' By late 1641, the King and the 'royalist party' in the Lords and Commons, and the 'Parliamentary party' concentrated in the Commons were speaking entirely different languages of political discourse. The King, forced to accept the dilution of his prerogative insisted upon by his followers Hyde and Falkland, still held that he had ultimate authority over considerable sectors of government, despite his renunciation of the measures that brought him financial and governmental stability in the 1630s. On the other hand, the 'Parliamentarians' held that control of armed forces, ultimate authority over the appointment (and even conduct) of the King's advisors, and claims to proper religious practice were theirs. The united front of grievances presented earlier in the session had broken, and with it a Parliamentary consensus in matters of government. As one perceptive commentator put it in a letter to his wife the following May, "I would to God I could write thee any good newes, but that is vnpossible so long as the spirrit of contradiction rainges betweene King & Parlam[t] high'er still then ever, And 'tis to be fear'd this thretning storme will not be allay'd without some showers (I praye god not a deluge) of bloode. The one party nowe growes as resolute as the other is obstinate."[147] Resoluteness and obstinacy were never supposed to be the hallmarks of Parliamentary assemblies at Westminster but rather, a Parliament's purpose was to bring the 'nation' together in action and concern. A divided House of Commons was, up to that point, a

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147 B. Schofield, ed., *The Knyvett Letters* (London: Constable and Company, 1949) p. 101.

failure; divisions between Commons and Lords, up to 1640, resulted in addled Parliaments; divisions between the Crown and the Houses meant dissolution, but no longer. The ultimate significance of the Remonstrance lay in the political breach it both brought about and symbolized: the Grand Remonstrance split Parliament-men within each House; it split each House from the other; it split King from Lords and Commons; ultimately, it split the political nation in a way nothing else had, could, or would do so thenceforth. Wars of language as much as actual war were the most likely result. The following months and years saw the creation of new histories of the English polity on the basis of claims made by a Kingless Parliament. The essential elements of the Parliamentary (and, later, Whig) interpretation were in place.

The 'proper' methods of gaining royal revenue, of settling issues at law, of conducting affairs before God in Church, of conducting Church affairs before the Parliamentary polity were all subjects of considerable importance to the political nation in 1640 and 1641. With the exception of the Triennial Act, though, the measures passed through Commons, Lords, and Crown were negative: most acts abolished recent practice, or disposed of senior governors, or eliminated institutions. Importantly, each action included, either implicitly or explicitly, claims of the 'proper' order. Since custom and precedent determined what was proper, it was essential that the features of Charles' reign selected as 'improper' be shown to have no basis in the legal past. History, therefore, became an essential tool of political warfare, and as the King gave up control over calling and dismissing Parliaments, as he sentenced Strafford to death, as he lost Ship Money, Knighthood fines, and Forest tenure, and as he accepted the dismantling of his government, he accepted the claims inherent in those Parliamentary acts. The Grand Remonstrance, most spectacularly, was an excellent summary of those claims. The 'King's history', in which the crown controlled the Church and was the font of all law, had broken down. In December 1641, even the dominant Royalists, like Hyde and Falkland, still accepted the abolition of the measures of 'Personal Rule.' The common

context of political (and historical) discourse lay broken, and the following years saw numerous attempts to piece it back together (by civil war and rebellion) even as the two contexts of discourse themselves shattered. Rebellion against the true and established order, taught to everyone as the greatest sin imaginable, was to be a reality.

Chapter IV: War

"History is all things to all men. She is at the service of good causes and bad. In other words, she is a harlot and a hireling."
--Herbert Butterfield, *The Whig Interpretation of History*

Inventing a new state meant that the new rulers, the ultimately successful combatants in the civil wars, had to build an ideology suitable to not merely the dismantling of an old regime, but to the construction of a new one. Many, though obviously not all, of the claims of the first phase of the Long Parliament had been negative and clearly guided by immediate political interest and motivation. The destruction of the personal rule had brought down not only the egregious aspects of Caroline government, but had bankrupted the Tudor-Stuart state and mortally wounded the body politic. The collapse of order represented by all out civil war, disobedience to the king, open religious division, and the existence of Parliaments both at Westminster and Oxford, each claiming to speak truly for the English nation, brought about not merely the amazing story of 1640-41, where, as we have seen, the common context of historical discourse became fragmented and ultimately divided, but it meant as well the shattering of *any* language common to the various sides. Especially with the death of King Pym in 1643, Parliamentary discourse began to shift away from the notion that the King was afflicted with evil counsel, and came instead to insist that Charles himself was somehow at fault. Thus, a claim which had been viewed as a clear case of treason just months earlier now became standard (though not universal) political discourse.

Even as the Parliamentary modes of discourse fragmented, so too did the royalist ones. Charles' chief ministers from the 1630s were all either dead, imprisoned, or in exile, and his new followers were what has been called the 'royalist' party in Parliament, which accepted uncritically many of the parliamentary limits upon the power of the King passed during the first 10 or so months of the Long Parliament. 'Constitutional royalism,' as it has been called, subesequently, was far from Charles' beliefs.

In 1641, future royalists in the Commons had agreed with the dismantling of the 'Personal Rule'. Edward Hyde later made his 'party platform' clear in his *History of the Rebellion*: royalists discounted claims that Charles' intransigence was responsible for the decay of the health of the body politic, and insisted instead that no king since John at Runnymede had shown such generosity to valid claims made against his authority, such as the assent to Strafford's attainder, the abolition of Ship Money, the Triennial Act, and the Act against Abolition, to name a few.[148] Thus, the Crown remained central to political life for royalists, though they accepted that Charles had scarcely been a blameless king; after all, he had formulated the policies recently disbanded.[149] Even so, rebellion against legally constituted authority was the worst sin: disregard for authority would undermine every aspect of society, and was not merely a mundane matter. The 1643 royalist pamphlet *The Rebells Catechism* spoke of 'a golden chain in politics' whose existence was not a human matter, but a divinely ordained system of organization.[150] Thus, royalism identified itself with the same thing its opponents had, with significant rhetorical effect: protection of the Church. Staunch royalists of the Laudian and Straffordian school, however, agreed with their colleagues in the 'constitutional' camp only slightly, and to them the concessions of 1641 were disastrous and ultimately self-defeating.

While royalism was undergoing its birthpangs, the two sides in the upcoming conflict were making preparations for war. The seige of Hull, the self-exclusion of the remaining royalists at Westminster and, finally, the raising of the Royal Standard at

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148 See, for example, John Spelman, *A View of a printed work intituled Observations upon some of His Majesties late Answers and Expresses* (1643), p. 14 *et passim*, for a standard royalist defense of actions, as well as Clarendon, vols. ii-vi, *passim*. Another example of a Royalist tract penned in the early civil war period particularly displaying the breakdown of common discourse is Henry Ferne, *The Subiect of Supremacie* (Oxford: 1643). Spelman's work was a response to Parker's pamphlet arguing for Parliament's supremacy.

149 John Sanderson, *'But the People's Creatures': The Philosophical Basis of the English Civil War* (Manchester: Manchester UP, 1989) p. 39.

150 Peter Heylyn, *The Rebells Catechism* (Oxford: 1643) p. 3 *et passim*.

Nottingham displayed the fundamental divisions across the country. Parliament, by 18 August 1642, was able to declare, stunningly, that all who gave assistance to the King were traitors.[151] Nine days earlier, Charles had made a similar declaration to those who obeyed the two Houses of Parliament, though he offered amnesty to all who laid down arms before him within six days. Indeed, Charles, by that time, had already decided his subjects had taken up arms against him, and had decided to fight:

> ... We shall pitch and set up Our Royall Standard, and where We purpose, in our own Person, to be present, and there and in such places whither We shall conduct [the Trained bands, Commissions of Array, and other royal officers], or cause them to be conducted, to serve us for the defence of Us, and of Our Kingdome, and of the true Protestant Religion, and the known Laws of the Land, and the just Liberties of Our Subjects and the just Privileges of Parliament, and to suppresse the Notorious and Insolent Rebellion of the said Earle [of Essex], and his Adherents, and reduce them to to their due obedience, and for re-setling of the happy Peace of this Kingdom.[152]

The Parliament at Westminster, whose legality was certainly under question, had taken upon itself responsibilities that had previously fallen clearly within the King's prerogative. Unfortunately for Charles, legality was no longer an effective weapon against his enemies, since they had taken away from the Crown *de facto* and in some ways *de jure* the power to make the law and to enforce it. By late 1642, the Houses and the King were saying the same words, but engaging in mutually incomprehensible discourse. A comparison of two proclamations reveals the incapability of negotiation between King and Parliament: as the King said,

> ... great Industry and Subtilty hath been applyed to corrupt Our Subjects of Our Cittyes of London and Westminster, first by engaging them in Factions and Tumults to awe the Members of both Our Houses of Parliament who would not consent to their seditious Designes; then by

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151 *CJ*, vol. iii, p. 211ff.

152 J.F. Larkin, ed., *Stuart Royal Proclamations Vol II: The Proclamations of King Charles I* (Oxford: Clarendon, 1983) no. 346, pp. 793-794 (9 August 1642).

> perswading them to Loanes and Contributions for the maintenance of the Army now in Rebellion against Us, upon pretence that the same was raised for the defence of Our Person, the Protestant Religion, the Lawes of the Land, and Priviledge of Parliament (Whereas in truth it is for the destruction of them all)[153]

Parliament, of course, saw things differently:

> ...having in our thoughts the glory of God, your Majesty's honour and the prosperity of your people, and being most grievously afflicted with the pressing miseries and calamities which have overwhelmed your two kingdoms of England and Ireland since your Majesty hath, by the persuasion of evil counsellors, withdrawn yourself from the Parliament, raised an army against it, and by force thereof protected delinquents from the justice of it, constraining us to take arms for the defence of our religion, laws, liberties, privileges of Parliament, and for the sitting of the Parliament in safety...[154]

Thus, in the King's absence, the Houses formed an innovative precedent, and in so doing, began to create some sort of positive assessment of its own place in political life, unlike the negative claims made in the first part of the Long Parliament.

The Royalist strategy was a combination of playing for support over time and reasserting claims of the Crown's centrality to the English polity. This strategy aimed to succeed simply by letting the divergent interests and political claims made at Westminster seem increasingly radical and unreasonable. As long as Parliament viewed Charles as its head, it had a difficult time waging war against him, and attempts to justify fighting for the King against the King proved abstruse and sometimes incoherent. For example, the Parliamentary propagandist Henry Parker claimed in a 1642 pamphlet that denying the King entrance to Hull was not only legitimate but necessary for the king, since the town was "... reserved for him, in better hands than he would have put them."[155] Although at

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153 *Ibid.*, no. 353, p. 806 (27 October 1642).

154 "The Propositions presented to the King at the Treaty of Oxford" printed in S.R. Gardiner, ed., *Constitutional Documents of the Puritan Revolution, 1625-1660* (Oxford: Clarendon, 1906) no. 57, p. 262 (1 February 1642/3).

155 Henry Parker, *Observations upon some of his Majesties late answeres* (London: 1642) p. 45.

least one writer claimed that the King was not an essential part of Parliament,[156] many Parliamentary pamphlets claimed that by fighting the King's forces they were fighting for and protecting the King's person. It was not Parliamentary forces, but those of the King, who were in rebellion against the King.[157] Such patently absurd arguments could only drive those who accepted royal authority towards the royalist side. As a mocking Peter Heylyn described Parliamentary ideology in *The Rebells Catechism*,

> ... a traitor may kill Charles, and not hurt the King: destroy the man, and save the magistrate; the power of the King in one of his armies may fight against his person in the other army, his own authority may be used to his own destruction, and one may lawfully set upon him, beat, assault and wound him, in order to his preservation.[158]

What Heylyn mocked was, in fact, the legal position of Parliament that allowed it to claim that it was acting according to proper precedent.[159]

Another element of Royalist strategy to regain control of political discourse was the summoning of the Parliament at Oxford in December 1643. Although Charles had assented to the Act against Abolition in 1641, the assembly at Oxford did have some basis in precedent; for example, the 1621 Parliament moved to Oxford when the threat of plague in the City forced it away, and the choice of location of Parliament had been an ordinary element of the prerogative earlier. Although most recognized that 'Parliament' as a body was still meeting at Westminster, the calling of the Oxford Parliament upon the advice of Sir Edward Hyde was a ploy designed to take further legitimacy away from the Long Parliament. The Oxford sessions were composed of the King, loyal peers, of whom there were many who had chosen to leave Westminster, the Bishops, who were no longer allowed into the Lords by Parliamentary decree (without Royal Assent), hardcore 'Cavalier' royalists like Digby (son of the Earl of Bristol),

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156 Parker, *A Discourse upon the Questions in Debate* (London: 1642) p. 13.

157 For example see Henry Ferne, *The subject of supremacie*, pp. 3-4.

158 Peter Heylyn, *The Rebells Catechism* (Oxford: 1643) p. 9.

159 See below, pp. 81-83.

'constitutional' royalists like Hyde, MPs from the Westminster 'Peace' group who believed that averting the Civil War could best take place closest to the King, and MPs excluded from the Long Parliament for other reasons. The Oxford Parliament had the legal authority of having King, Bishops, and a majority of Lords present, though clearly lacked huge numbers of the Commons. (Probably about 175 MPs and 85 Lords actually sat at Oxford, according to one estimate.)[160] In effect, neither those at Oxford nor at Westminster could honestly claim to house a legitimate Parliament in normal contemporary understanding. The Oxford Parliament had the further advantage of allowing the King to levy taxes with at least the semblance of constitutional propriety, a useful tool of propaganda to convince others that the arbitrary methods of the 1630s were past.[161] The Oxford Assembly perished on 10 March 1645, never having been as useful as hoped by the 'constitutional' royalists.

Royalists had other strategies open to them as well, and one of them was the press, which the Parliamentarians had so effectively used in 1640 and 1641. Although control of the London print trade fell into Parliamentary hands after Charles left in the late winter of 1641/2, the University towns had licenses to print as well, and in the case of the press at Oxford, print wars could continue. Even by the time of the attempted arrest of the Five Members in January 1641/2, an alarming identification of Charles personally acting counter to both the Law and God had started to appear in print, a tendency that continued throughout the decade.[162] The chaos of print culture that Parliamentarians were able to exploit with the breakdown of censorship now proved troubling, especially with the growing support for royalism. Furthermore, increasingly radical pamphlets, such as those by the extreme John Milton, were circulating; the call

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160 Robert Ashton, *The Englih Civil War: Conservatism and Revolution, 1603-1649* (London: Weidenfield and Nicholson, 1989 (2nd ed.)) p. 213.

161 *Ibid.*

162 Elizabeth Skerpan, *The Rhetoric of Politics in the English Revolution, 1642-1660*, p. 68 *et passim.*

for divorce on demand was clearly unpalatable to the conservative gentry of the House of Commons.[163] On 22 July 1642, the House of Commons claimed a control of print similar to that held by the Crown before the 1637 Star Chamber Decree[164], and on 14 June 1643 the control was solidified by the Parliamentary Lisencing Ordinance, which, in 1644, John Milton called with some accuracy "the immediat image of the Star-chamber decree"[165] With Parliamentary control established in London (at least in theory), the nature of printing came full circle, and each change in print culture was to Parliament's advantage. The slide into chaos allowed 'oppositionists' to use print to spread their opinions widely and to gain support among the populace, an especially useful way of controlling mobs. When that chaos no longer suited them, close censorship under Parliamentary control became the order of the day, suiting the new masters, and allowing the senior elements of the Stationers' Company to regain some desperately desired control of wayward presses and junior members of the printing trade.[166] In this sense, Milton's *Areopagitica* represented a call for the happy days of untrammelled freedom. His *Doctrine and Discipline of Divorce* was censored a month after the 1643 ordinance passed, and his conspicuous presence meant that his livelihood as radical propagandist might be closed by those who first made it possible two years earlier.[167]

Wartime, however, meant that censorship was still sporadic and unfocussed, and putting the genie back in the bottle was to prove impossible (for example, the number of copies and editions of the popular *Eikon Basilike* after the regicide indicated the inability of even the closest censorship to stop unwanted tracts from appearing.) Pamphlet wars,

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163 John Milton, *The Doctrine and Discipline of Divorce*, in E. Sirluck, ed., *The Complete Prose Works of John Milton* (New Haven: Yale UP, 1959) pp. 217-356. (Originally published August 1643.)

164 See chap 3, above.

165 John Milton, *Areopagitica*, in E. Sirluck, ed., *The Complete Prose Works of John Milton* (New Haven: Yale UP, 1959) p. 569 (Origninally published 1644).

166 Mendle, "De Facto Freedom, De Facto Authority: Press and Parliament 1640-1643" *Historical Journal* 38, 2 (1995) pp. 325-332 *et passim.*; Johns, pp. 76ff.

167 I am grateful to Prof. Christopher Q. Drummond for numerous discussions concerning Milton.

therefore, continued largely unabated, and the sheer volume of *Thomason Tracts* provides excellent evidence for the inability of the censors to keep up with printed ephemera. The King at Oxford could still use the University presses, ensuring that royalist tracts would continue to appear. Despite the continuing existence of anti-Parliamentary royalist or radical printed texts, however, Parliament gained effective control of much of the print medium, which allowed considerable propaganda advantages for the duration of the decade and beyond.

Along with the control of political language, the control of the avowedly political medium of printing allowed Parliament-men in London to entrench themselves by making claims, based in precedent and history, about their legal and religious justification for waging war against their king, and, perhaps more importantly, the victors could write the histories of Parliament, the institution through which they gained control over a country. First, however, the law had to be rewritten to make the past invisible, or at least unrecognizable, and then the Church had to be remade in a new image, disguised as an old one.

The usage of the common law had been undergoing changes for several generations by the 1640s.[168] As the 'Common Law' developed over the course of centuries, lawyers gradually came to believe that it was omnicompetent, rational, largely unwritten and therefore customary, and dating from time immemorial.[169] 'Time out of mind,' however, began (for English lawyers at least) on 3 September 1189. The ideology of the common law, though, was profoundly *un*historical, even *anti*historical:

> If the idea that law is custom implies anything, it is that law is in constant change and adaptation, altered to meet each new experience in the life of

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168 Julian Martin, *Francis Bacon, the State, and the Reform of Natural Philosophy* (Cambridge: Cambridge UP, 1992) esp. pp. 72-104.

169 See J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge UP, 1987; 2nd ed.) pp. 30-69 and Glenn Burgess, *The Politics of the Ancient Constitution: An Introduction to English Political Thought, 1603-1642* (University Park, PA: Pennsylvania State UP, 1992) *passim*.

> the people; and it might seem that there was no theory more likely to lead to a historical conception of the nature of law. Yet the fact is that the common lawyers, holding that law was custom, came to believe that the common law, and with it the constitution, had always been exactly what they were now, that they were immemorial: not merely that they were very old, or that they were the work of remote and mythical legislators, but that they were immemorial in the precise legal sense of dating from time beyond memory -- beyond, in this case, the earliest historical record that could be found.[170]

Another change in the common law in the late sixteenth and early seventeenth centuries was that the usage of precedent in deciding issues at law was becoming considerably more important; this change "reflected core assumptions of their guild, namely, the primacy of the present 'common erudition' ... [T]he very idea of precedents that compelled was a novel one."[171] Furthermore, as Sir Edward Coke and other late Tudor and early Stuart legalists would have it, the common law was identical with the ancient and local customs of the 'common people,' though in its origins it was common because it was common to all of England under royal authority.[172]

For MPs in 1642, the confluence of these prevailing views about the nature of common law was an advantageous coincidence: a King had usurped the omnicompetent, rational unwritten laws of the common people and, in so doing, had upset the precedents which made up the very constitutional lifeblood of England. The unhistorical character of the Common Law meant that undesirable changes (such as the use of 'prerogative' courts[173], for example, or the expansion of Ship Money) could be declared, by those in Parliament, to be against the fundamental law of the land, which

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170 Pocock, p. 36.

171 Martin, p. 96.

172 Martin, p. 73.

173 Martin, p. 75 points out that the use of this term is a questionable one.

overrode all contrary authority, even that of the Crown itself.[174] Furthermore, a Parliament could present itself as the defender of the law against royal encroachment; the writings of Sir Edward Coke, to name one very well-known common lawyer, speaks of Anglo-Saxon 'statutes' "established by the said several Kings by assent of the Common Council of their kingdom."[175] Thus, Parliament too was an immemorial custom of English legal existence. With such a powerful element of political discourse on their side, Parliament-men could claim without a hint of mendacity that the royal judges whose decisions were so disliked, were truly committing treason by judging for the King. If they did, they were in violation of the 'true' laws of the land, which only statute can adjust. MPs, many of whom had taken some education at the Inns of Court, therefore had the rhetorical power of controlling both statute law (the changes to law) and the 'customary' law (which theoretically was unchanging); they could choose which laws were 'unconstitutional' and which formed part of the 'ancient constitution.' The royal challenge to the so-called 'common law mind'[176] (which in the long view might be seen as a reassertion of control, rather than the attempted usurpation described in Whig histories) was easily countered rhetorically, but in asserting their own rights, MPs denied those of the King. The "Common Law," originally an invention of the crown to make a fragmented and unharmonious system whole, came now to be seen in conflict, rather than in concert, with the crown. The Ancient Constitution's conception of the common law was that its purpose was to protect property rights. As a result, the belief that the common law was in opposition to the royal prerogative grew, even though the prerogative held a better claim to being the 'Ancient Constitution' than any other methods or theories of government. In enunciating clearly a separation of the man

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174 Pocock, p. 51: '[A] truly immemorial constitution could not be subject to a sovereign: since a king could not be known to have founded it originally, the king now reigning could not claim to revoke rights rooted in some ancestor's will."

175 Edward Coke, *First Institute*, section 164, sig. 110a

176 Burgess, pp. 212-231.

Charles Stuart from *Carolus Rex*[177], Parliament changed the essence of all English law, and by appealing to standard language of the law, they did so invisibly to most.

While the law was still a highly specialized field, religion was less so, and any changes to the state church would be considerably more difficult to achieve. Religion, of course, was one of the major ideological battlegrounds for all sides. Parliament not only expelled the bishops from the House of Lords, but eventually abolished episcopacy altogether and tried to choose an alternative form of church government. The Scottish invaders, still in the southern kingdom, insisted on a form of Presbyterianism that existed *jure divino*. This was unacceptable to English Parliamentarians who had just overthrown *jure divino* episcopacy and could never tolerate the reimposition of external religious authority, possibly even more theocratic and disciplinarian than Laud's church.[178] Meanwhile, the Royalists had not abandoned bishops or episcopacy; indeed, the King believed strongly in his father's declaration of 40-odd years earlier, "no bishop, no king," and would never accept the overthrow of the Church whose existence and organization were under his protection. Every party to the dispute had a different opinion of whose church it was, and for what purpose it existed. By the time the Civil War broke out, the remaining MPs at Westminster were increasingly divided over religious matters, and in order to maintain unity of purpose, Pym's Parliament voted the existence of the 'Westminster Assembly of Divines', which, though a motion passed both Houses in April 1642, first met in July 1643. In some ways, the Assembly held a similar purpose to the now-defunct Convocation of previous decades, though instead of churchmen like priests and bishops, it was composed of divines and preachers who had had no official standing in the Laudian Church. To Parliament, its existence outside the Church structure was a benefit:

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[177] For an excellent study of the legal, theological and political significance of the status of kingship, see Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: Princeton UP, 1957).

[178] See Ashton, *The English Civil War*, pp. 205ff.

> The Lords and Commons so declare, that they intend a due and necessary reformation of the government and liturgy of the Church, and to take away nothing in the one or the other but what shall be evil and justly offensive, or at least unnecessary and burdensome; and, for the better effecting thereof, speedily to have consultation with godly and learned divines; and because this will never of itself attain the end sought therein, they will therefore use their utmost endeavour to establish learned and preaching ministers, with a good and sufficient maintenance, throughout the whole kingdom, wherein many dark corners are miserably destitute of the means of salvation, and many poor ministers want necessary provision.[179]

The language of the motion reflects Parliament's balancing act. Religious 'innovation' was unacceptable, since 'newness' was, in this context, sinful. What was needed was not a new formulation, but a literal 're-formation' of the old, pure ways of the Church. The sentences hearken to primitive Christianity, because much of the Roman (or Laudian) liturgy was, in the language of many speeches and pamphlets, 'unnecessary and burdensome.' Thus, Parliament could claim that the Assembly was fully legal and proper, and that the previously dominant hierarchy had been the innovation.

As a creation of the Parliament, the Assembly was subordinate to it, and was responsible for the formulation of Parliamentary religious policy. Unlike its Scottish counterpart, though, it did not have an independent voice, a status that annoyed Parliament's Scottish allies considerably. Clarendon claimed that the only element uniting the various participants was a hatred and enmity of the Church of England:

> ... there were not above twenty [of 120] who were not declared and avowed enemies to the doctrine or discipline of the Church of England; many of them infamous in their lives and conversations, and most of them of very mean parts in learning, if not of scandalous ignorance, and of no other reputation than of malice to the Church of England; so that

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179 "The Declaration of the Houses on Church Reform" printed in S.R. Gardiner, ed., *Constitutional Documents of the Puritan Revolution 1625-1660* (Oxford: Clarendon, 1906) no. 51, pp. 247-248 (8 April 1642).

> that convention hath not since produced any thing that might not then reasonably have been expected from it.[180]

Clarendon's caustic attack on the Westminster Assembly masked Pym's reasons for creating it in the first place: first, it united the Parliamentary cause by effectively removing religion from the day-to-day considerations of Parliament, which otherwise might have brought about further defections from an already depleted Commons and a decimated Lords; secondly, it solved the problem of creating an institution to replace the discredited Church hierarchy. Furthermore, the creation of the Westminster Assembly effectively subsumed the actions of the Church to those of Parliament, and in the event of a peace with the King, Parliament would likely retain at least some control over the Church, helping to solidify its claims as a central element of governmental apparatus. That Parliamentary control of the Church was without legal precedent did not matter, since Parliamentary leaders could claim divine legitimacy, which overrode all secular and mundane concerns.

In action, though, the Westminster Assembly was largely a failure, because of internal dissention. Although all could agree that a return to episcopacy in any form was out of the question, it proved far easier to agree on a government not to have than to build a new one acceptable to all. Although most of the Divines thought that a Presbytery modelled from the Scottish Kirk was the best way to proceed, Parliamentary leadership opposed it, and in the Assembly, a number of Independents advising religious toleration managed to keep the Assembly from reaching an agreement. Parliament had approved a new settlement by 1644, after a piecemeal deconstruction of the old one: parishes remained the basic unit of organization, twenty of which formed a 'classis', which in turn formed 'provinces,' each of which sent representatives to a national Synod

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[180] Clarendon, vol. ii., pp. 72-73.

whose actions were subject to Parliamentary approval.[181] In effect, the new organization of the Church (which never really succeeded) amounted to what in American constitutional terms would be 'local option'. Such a scheme would make any attempt (like Laud's, for example) to rebuild a national, prosperous church a futile one, and the lack of centralization continued a decades-long willingness to continue the long-term bankruptcy of the Church as a national organization.[182] The actions of the Assembly displayed as much as anything else that the coherence of the 'political nation' had completely shattered, and that the Church's legislated uniformity of religious interpretation could not return. As with Parliament's changes to the law, Parliament could appeal to an ancient past whose authority was unquestioned and, especially in the case of the Church, unquestionable.

While adjusting the law and the Church to fit in with the new regime, Parliament-men had, of course, to justify their own status in the proper functioning of the state. As with their other changes, they believed they were not innovating, but returning the constitution to its ancient status. The law, which extended itself backwards and forwards in time to justify its present existence, proved a useful analogue for Parliamentary self-justification; as we have seen, Edward Coke spoke of a 'Common Council' of the kingdom from almost a millenium earlier, and assumed it had the structure and function of Parliament. Indeed, what was originally a creation of Edward I in the thirteenth century seemed now to have its origins even before the *Roman* conquest, as some sort of essential national institution.[183] In the posthumously published *Fourth Institute* of 1644, Coke dated Parliaments before 'Witangemot', past

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181 For an excellent description of the Church in the 1640s and attempts to resolve disputes, see John Morrill, "The Church in England 1642-9" in Morrill, ed., *Reactions to the English Civil War 1642-1649* (London: Macmillan, 1982) pp. 89-114. On the Westminster Assembly and its attempts to reorder the Church, see especially p. 96.

182 Hill, *Economic Problems of the Church*, pp. 338-352 *et passim*.

183 Coke, *First Institute*, section 164, sig. 110a.

'*conventa sapientum*', and gave examples of Parliaments from the time of Vergil, and Tacitus, the latter "in *vita Agricolæ* in the time of the Britons calleth it *conventus, à conveniendo.*"[184] (The posthumous publication of many of Coke's works is a suspicious one; *Institutes IV* begins with a 53-page description of Parliament and its purposes, the details of which sound suspiciously *à propos* for the time[185], lending credence to the possibility that he did not write it. To my knowledge, no one has performed an adequate bibliographical study of Coke's posthumous works.) Parliament, however, was more than merely ancient: under the heading 'Parliaments in Scripture' Coke states, "And the like parliaments have been holden in Israel, as it appeareth in the holy history. *Convocavit David omnes principes Israel, duces, tribunos, et præpositos turmarum, tribunos, centuriones, et qui præerantsubstantiis et possessionibus regis, filiosque suos, cum eunuchis, et potentes et robustissimos quosque in exercitu Jerusalem.*"[186] Thus, Parliament was a divinely sanctioned institution, a necessary and true part of government; the interparliamentary years of the 1630s were, as a result, not merely unfair, but grossly inadequate for a Christian state. Combined with claims that true Parliaments were annual events, Charles' reign in retrospect seemed postively damaging to the ancient constitution. Such claims completed the tripartite unity that served Parliamentary claims to sovereignty so well: the law, the Church, and Parliament were one in power and authority, and the Crown was either subordinate to that arrangement or treasonous and sinful.

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184 Coke, *Fourth Institute*, p.2.

185 For example: a long argument about the status of Bishops in the Lords, and the validity of 'ordinances,' which are not Acts of Parliament (i.e. one part of Parliament did not assent), but have full authority of the law even so. See pp. 4-†5, and 24-25. Furthermore, Coke claimed that the House of Commons may be dissolved only with its own consent, making even that triumph of the early days of the Long Parliament, the Act against Abolition, merely a statement of true practice, rather than an innovation. See Coke, pp. 27-28.

186 *Ibid.*, p. 2.

Meanwhile, even popular poems and millenarian tributes appeared in the popular press: John Vicars' *England's Remembrancer, or, A thankfull acknowledgement of Parliamentary mercies to our English-Nation*, for example, furthered the identification of Parliamentary actions with the law and with divine intent: deliverance from Babylon/Rome and their Laudian servants aided the Parliament in its course to the new millennium, and cast aside Charles' evil servants in its path.

Come hither, each true Christian heart, and see;
But, bring a joyfull, thankfull heart with thee.
Come see (I say) to Gods eternall praise,
His miracles of mercies in thy dayes.
How, though two former Parliaments were broke,
A third is called, hopefull to strike the stroke
Of blessed reformation;
[...]
How by the very blood of traiterous foes
The Lord begins the wounds to heale and close
Of Church and State, and, for this purpose, hath
Kindled the fire of Supplicating Faith
And fervent Zeale in private humiliation,
Such, as the like was nere seen in this Nation;
And with transcendent sweet returns repaid
Our prayers into our bosomes with blest aid.
How the Lord hath, the Spirit of Lenity
Shed on Both Houses, Courage and Constancy;
O how their indefatigable paines
Our happy Hopes in Church and State maintains![187]

The teleology of such histories is clearly the second coming. But by linking mundane governmental organizations like Parliament with the Apocalypse, partisans were able to deny the King *any* validity to represent the nation he embodied, since he chose to fight against not merely his nation, but also against God. Although explicit identification of Charles as the evil king was comparatively rare even by 1645, the fact that it happened at

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187 John Vicars, *Englands Remembrancer, or, A thankfull acknowledgement of Parliamentary Mercies to our English Nation* (London, 1641) sigs. A2, A4.

all raised the stakes of the war and represented the fullness of the change in political discourse. Gone was the fiction of 'evil counsellors,' who had supposedly advised the King so disastrously that they put the nation into civil war, each side fighting for the Crown. Such language also meant that for Parliament to welcome back the King, it would agree to subvert the truth of its godly destiny. Furthermore, propagandists and partisans like Henry Parker advised a unique form of Parliamentary absolutism, wherein the House of Commons was the true mouthpiece of the common law, and therefore omnicompetent in matters of government and order.[188] Royal claims to power were simply erroneous in such a scheme of government; the Crown became an extraneous element of political life, removed from the centre, displaced as the font of law and no longer the embodiment of the state. Such claims completed the remaking of Parliament in its own ideal.

By 1645, Parliament had commissioned Thomas May, a secretary or clerk in the employ of the House of Commons, to write a history of the Long Parliament. Published in 1647, *The History of the Parliament of England, which Began November the Third M.DC.XL with a Short and Necessary View of Some Precedent Years* represented the (at least temporarily) settled outcome of several long years of dispute, and represents the single best exposition of Parliamentary historical claims as the basis of justification for rebellion. Its ideological slant, not surprisingly, passed the censorship of one 'Jo. Langley,' who declared that "I have read over the first part of this History, contained in three Books, an impartial Truth; and judge it fit for publike view by the printing."[189] The 'precedent years' began at Elizabeth's death, when the kingdom was at its happiest:

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188 For example, see Henry Parker, *Danger to England Observed* (London, 1642), *The question concerning the divine right of episcopacie* (London, 1641), and *Observations Upon Some of His Majesty's Late answeres* (London: 1642).

189 Printed in Thomas May, *History of Parliament* (reprinted London: White, Cochrane, and Co., 1812) sig. A1^{v}.

> QUEENE ELIZABETH, of glorious Memory, together with that great Stock of Wealth and Honour, which her prudent and just Government had brought to the English Nation, had enriched them besides with a greater Treasure (which we may justly account the cause of all the rest) Religion reformed from Popish Superstition.
>
> That Reformation engaged the Queene in a new Interest of State, to side with the Protestants against those Potent Monarchs of the other Religion, which seemed at the beginning as much danger and disadvantage to her, as it proved in conclusion security and Honour; so impossible it is for any disadvantage to prevaile over them that helpe the Lord against the Mighty.[190]

Her success as ruler of England crumbled with the accession of the Stuart line; though James was "a wise and learned Prince, of disposition mercifull and gracious, excellently grounded in that Religion which he professed," he "did not beginne where his Predecessor left, proceeding rather in a contrary way."[191] By the time Charles came to the throne, the 'Jesuiticall Papists,' under Buckingham's watch, had regained strength, and Parliamentary liberties were in retreat. After the dissolution of Parliament in 1629, "the people of England for many years never looked back to their ancient liberty."[192]

May's claims coincided closely with those made in the Grand Remonstrance: Strafford was a clever traitor who set up a tyranny in Ireland as a precursor to the larger task of subduing England; Laud countenanced 'looseness and irreligion,' and in so doing allowed Catholicism to flourish, especially at court; the 'Protestants' were in decline, hoping for a Parliament to remedy the situation.[193] By November 1640, Parliament was busy restoring the proper state against royal encroachments, relieving those (like Burton, Bastwick and Prynne, for example) who had suffered in the 1630s from various forms of deprivation. The Grand Remonstrance was significant to May, because

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190 *Ibid.*, pp. 1-2.
191 *Ibid.*, p. 3.
192 *Ibid., p. 9.*
193 *Ibid.*, pp. 10-19.

> from henceforth no true confidence appeared between him and that high Court; every day almost contributed somewhat to the division; and Declarations upon several occasions were published to the world; of which, though the language, for the most part, were fairely couched, and sweetened with frequent intermixtures of gracious expressions from the King, and affectionate professions from the Parliament; yet the substance was matter of expostulation: ... till those Paper-contestations became a fatal Prologue to that bloody and unnatural War which afterward ensued.[194]

May assumed implicitly and explicitly the identity of Parliament as the defender of law and church, noting that the Crown had, since Elizabeth's death, failed in its task to protect both the law and the Protestant religion. As such, May's *History of Parliament* reflects the 'finished product' of Parliamentary discourse. To accept the language of it was to accept Parliament as the proper government of England. If, as Harry Collins argues, 'changing knowledge is changing order,'[195] Parliament had succeeded in changing both knowledge and order. By 1647, *History of Parliament* was the new truth, the truth of the new order. Charles was not merely afflicted with a 'malignant party,' as the Grand Remonstrance had claimed; he was simply an ineffective and evilly-disposed tyrant bent on the destruction of England's natural government. Its widespread publication, furthermore, identified it clearly as a propaganda vehicle; it was the new dominant interpretive tradition.

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194 *Ibid.*, p. 90.

195 See Chapter one, pp. 6-9

Conclusion: Establishing an Order

"The truth of history is no simple matter, all packed and parcelled ready for handling in the marketplace. And the understanding of the past is not so easy as it is sometimes made to appear"
--Herbert Butterfield, *The Whig Interpretation of History*

The 1640s, especially before the close of the Civil War, saw previously solid facts about the nature of the state, its makeup, and the locus of sovereignty dissolve, and in the wake of the loss of factual certainty came innumerable knowledge-claims, all of which competed for the unassailable status of 'fact.' In the first year or so of the Long Parliament, numerous new 'facts' were created about the nature of English governance: Parliaments were a normal and perpetual element of the body politic; certain methods of meting justice, most notably through the courts of Star Chamber and High Commission, but also in the Northern and Welsh Marches, were illegal, and any judgments or declarations therein were void for all time and, indeed, made retroactively illegal; individuals standing against the broad consensus of the Parliamentary juggernaut were removed by a variety of means, most spectacularly in the case of the Earl of Strafford, and later in the case of the Archbishop of Canterbury, William Laud. All of these actions were made unassailably legal, even if they did not appear so. The radical nature of the changes brought about a further breakdown of the common understanding of the state. The break was so deep that the 'political nation' waged war against itself over the questions of sovereignty and the nature and purpose of the Church. The victors in that war had to justify their victory, and appealed to providence and the ancient past to do so.

The piecemeal changes of the first part of the Long Parliament gradually gave way to much larger claims of historical justification. No longer was the goal the dismantling of illegal elements of an otherwise healthy state; rather, MPs and their supporters aimed at the reconstruction of the state on putatively ancient (and therefore proper) foundations. The horror of innovation in political life held by all meant that

propagandists on both sides of the war had to claim the past for themselves, and whoever succeeded would ultimately gain legitimacy. Compromise rapidly became impossible, despite ongoing peace talks, because the two sides quite simply failed to understand each other. When Parliament claimed the right to control the Church and set up the Westminster Assembly of Divines, for example, they pointed to claims that they were the heirs to the oldest British tradition of all (Parliament), which preceded even monarchy, and therefore could exist without it. On the other hand, the King saw himself as *Dei Gratiae Rex* and Defender of the Faith, who created Parliaments and dispensed justice throughout the land. Each side gradually held 'multiply-entrenched'[196] concepts of sovereignty and government that were incommensurable; therefore, no compromise could be reached, and the winners would be those with the most power over minds. Both royalist and Parliamentarian alike knew the significance of popular persuasion as a means of gaining legitimacy, and one of the offshoots of the ideological battleground was a rich, chaotic and vitriolic pamphlet culture, control of which was beyond even the most rigorous regime of censorship. Ultimately, though, Parliamentary successes on both the military and ideological battlefield weakened the royalist cause almost beyond retrieval, and ensured that Parliament's historical re-creation and fact-making would be relatively unimpeded. One of the manifestations of Parliamentary triumph was Thomas May's *History of Parliament*, one of the best long justifications of all of the Long Parliament's actions. For May, Parliament was restoring the happiness of Queen Gloriana's prosperous reign and taking its senior place in the government in order to do so.

Political actors had remade the political and historical discourse in England and were, in effect, playing different 'language-games.' The problems identified, for example, in the trial of Charles (in January 1648/9) would theoretically never happen again.

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196 See chapter one, pp. 8-9

Charles refused to enter a plea against the charges brought against him, arguing (rightly) that the court, since it was not his creation, could not try him (or anyone else), and that he could not be guilty of treason against himself. The regicides, attempting to kill the King legally, displayed for all to see that the patent absurdity of executing the embodiment of the state in a show trial meant that there was no possibility of even communication between the different sides in the conflict. Charles could not accept the jurisdiction of the court; to do so would mean he accepted that he was not King, or head of his Church, or, indeed, anything but a middle-aged nobleman. In effect, since Charles and his judges could not communicate at all, the court assembled in Westminster Hall had no choice but to exercise bald power and simply declare the royal defendant guilty, as Parliament had done with Laud before him. The trial of Charles was the ultimate break of common understanding: to all royalists, such an act was a mortal sin; to the architects of the English Jerusalem, it was an unusual though necessary step towards true reformation. Ironically, the republican triumph of the regicide planted the seed of its downfall, by creating a martyr-king who died nobly, refusing to give ground by denying his judges' legality and forcing, in effect, a judicial murder whose sole motive was raw power. That royalism returned so vigorously in 1660 speaks of its latent support throughout Cromwell's republican experiment. Furthermore, illicit printing of *Eikon Basilike*, the iconographic (even hagiographic) account of Charles' last days, started soon after his death and sold extremely well throughout the 1650s.[197] In effect, Parliament and, later, Cromwell were never able to create a common context to replace the old. As a result, the dominance of Parliament did not last as long as might be hoped. The establishment of a Parliamentary republic in January 1648/9 (after the execution of Charles on a charge of treason against himself) marked its height.

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[197] By 1655, roughly 40 editions of *Eikon Basilike* were extant.

By 1660, though, no such dichotomous split existed in the political nation, despite the difficulties in rebuilding a monarchy. The shards of the shattered common context of 1640 had to be pieced together, but, like a shattered window, could never look the same again, despite intentional similarities with the original. Like the Parliament-men of the 1640s, those of the 1660s tried to make changes to their past invisible, and therefore uncontroversial. They, too, claimed the authority of the common law and the 'ancient constitution' to put forward their views. Royalism had triumphed thoroughly and Charles' son returned to England as Charles II, having chosen that old constitutional royalist (and historian) Edward Hyde (by then elevated to the peerage as Earl of Clarendon) to be his Lord Chancellor and chief minister. This was the same Edward Hyde who, in exile in the Scilly Islands and on Jersey in the late 1640s, began a history of the wars. The desire to produce an account "that posterity may not be deceived, by the prosperous wickedness of these times"[198] was strengthened by the publication of May's *History of Parliament* in 1647. May had the advantage of being in London, supported by a victorious regime, unhindered by censorship. His partisanship offended his former friend Hyde, for whom May's claims that "I will only professe to follow that one Rule, *Truth*, ... against which there are many waies, besides plaine falsehood, wherein a writer may offend,"[199] must have been upsetting. Hyde's *History of the Rebellion* ended as a much longer work than May's, written over the space of twenty-five years, in two different exiles, away from much-needed documentation, and unpublished for decades (though the former Secretary of State Edward Nicholas advised its printing as early as 1647 and again in 1654).[200] Even so, it was the masterpiece of the ideology of

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198 Clarendon, vol. i, p. 1.

199 May, p. xv.

200 On the writing of the *History of the Rebellion*, see B.H.G. Wormald, *Clarendon: Politics, History, and Religion, 1640-1660* (Cambridge: Cambridge UP, 1951); Martine Watson Brownley, *Clarendon and the Rhetoric of Historical Form* (Philadelphia: University of Pennsylvania Press, 1985) pp. 18-27.

'constitutional royalism.' It denied the validity of rebellion, but it equally denied the royalism of the 1630s; in short, it described the constitutional platform of the restored royalists of 1660, an unsurprising result considering the pivotal role Hyde played in the Restoration Settlement. Although Clarendon himself was a victim of the regime he helped to build, his *History* was the essence, in a greater sense, of the 'winning' ideology of English affairs.

Its eventual success resulted from its status of ideological and constitutional dominance. Thomas May's work, unsurprisingly, earned the opprobrium of royalist censorship; Milton, lucky to keep his head, contented himself with mourning the loss of Jerusalem; 'royalists' like Thomas Hobbes were practically shut out of court life for being *too* royalist[201]; and, of course, many of the other partisans of the 1630s, 1640s, and 1650s were dead (or at least very old, the vast majority of MPs elected in 1640 having died in the twenty years before the Restoration.) Clarendon, more than any other historian, defined the new settlement and its ideology by justifying it with appeal to the past, the normal technique of persuasion. Just as the victorious Parliamentarian partisans were able to look at their past and choose which elements to privilege and which to eliminate, so too were triumphant royalists able to look at what the rebels had done, and choose what changes would remain. Therefore, Star Chamber and High Commission remained abolished; the Triennial Act (though ignored through most of Charles II's reign) remained in force, ensuring (in theory) the regular return of Parliament; the financial measures of the 1630s were indeed never reinstituted. On the other hand, episcopacy returned with an angry and energetic Anglicanism; the new Presbyterian Church of England was simply ignored as completely illegitimate; even dead regicides like Cromwell underwent trial for murder and treason (and the exhumed body suffered

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Though completed in 1672 during Clarendon's exile in France, publication was delayed until 1702-1704.

201 Shapin and Schaffer, *Leviathan and the Air-Pump*, pp. 133-139 *et passim*.

execution anyway); Parliament's changes to the nature of the law were largely reversed. Even Strafford's attainder, for all the good it could do, was undone.[202] In short, all the changes Parliament effected before the Grand Remonstrance continued as law during the Restoration, though the changes of 1642 and onwards were erased as simply illegal. To put it another way: the changes Hyde supported remained; those he opposed were erased. The new victors of Charles II's government remade their past just as the victors of the mid-1640s had done so.

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The Restoration could succeed because there was really no valid competing set of claims; to be sure, there remained loyal republicans and radical religious groups, but with their *de facto* exclusion from political life along with the institution of the Test Acts, they were disorganized and scattered. A new dominant interpretation had taken hold, and effectively eliminated its competitors. Although the new settlement claimed to be (quite literally) the 'restoration' of the old, it was not; the new 'constitution' claimed powers for Parliament that had clearly been elements of the previous king's prerogative. In many ways, the Interregnum had altered politics, religion, and, indeed, all of society so significantly that a return to the modes of the 1630s was out of the question. Hyde's settlement, based upon so-called 'constitutional royalism,' among all the possibilities put forward during the Civil War (ranging from the radical royalism of 'Thorough's' disciples to the radical republicanism of the 1650s) became the basis of a new 'constitution' of England and lasted for centuries thereafter. What Hyde believed was the proper organization of the English body politic became the proper organization of the English body politic, though he himself did not survive its vagaries.

When Herbert Butterfield defined Whig history as "Protestant, Parliamentary, and progressive," he was describing the way historians wrote during the nineteenth (and

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202 See Str. P. 40/68 for a copy of drafts and the final statute.

early twentieth) century. The term, however, is misleading, since it implies that Whigs were responsible for its creation. That was not the case; though history was certainly 'Protestant' before the Civil War, the meanings of that word changed afterward. The Protestantism Butterfield decried was that of the Anglican Church (the term 'Anglican' became current after the Restoration to describe high-church episcopacy), not the radical sorts espoused by different groups during the 1640s and 1650s, or even the Calvinism of, for example, Archbishop Abbot. Parliament, despite failing in its most radical task, the republican experiment, still succeeded in becoming the centre of the political nation as it had claimed it should twenty years earlier, and therefore formed another essential element in the new interpretation of history. *What Hyde designed, and wrote, was the Whig interpretation of history before the Whigs existed.* That interpretation remained for centuries largely unquestioned, and still forms the tacit ideological basis of much historical study of the British past. After the Restoration, it became possible to chart the continuing and seemingly unstoppable, even providential, rise of Parliamentary liberty, hindered by the malicious efforts of the Stuart kings. The history of the first part of the century remains to this day the history of the lead-up to Civil War, and historians rarely study the preceding years on their own terms. The common interpretation of the disputes in the middle of the seventeenth century, essentially Hyde's, is a partisan one; it was later renamed the Whig interpretation.

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